

1 RAMA DIOP
2 527 Hillside Avenue
3 Mill Valley, CA 94941
4 (415) 755-8485

5 Pro Se Plaintiff
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
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14 RAMA DIOP,
15 Plaintiff,
16 vs.
17 COUNTY OF MARIN, ET AL,
18 BOARD OF SUPERVISORS
19 MARIN COUNTY HEALTH AND HUMAN
20 SERVICES, ET AL
(Larry Meredith; Heather Ravani;
21 Jo McCormack; Hadar Hartshorn;
22 Thereza Higuera;

23 CITY OF MILL VALLEY, ET AL
24 MILL VALLEY POLICE, ET AL
25 VARIOUS GOVERNMENTAL AGENTS,
26 OFFICERS, EMPLOYEES, ET AL
(Michael Lane; Scott Brooks;
27 David Kollerer)

28 MARIN COUNTY SUPERIOR COURT, ET
29 AL (Lynn Duryee; Alexandra Quam;
30 Verna Adams; Beverly Wood; Gloria
31 Wu; Roy Chernus; Kim Turner)

32 MARIN COUNTY BAR ASSOCIATION
33 (Beth Jordan; Alexandra Quam,
34 Tracy Barrett); Pending
35 Amendment: Don A. Lesser; Russell
36 K. Marne; Stuart Gilliam; Thomas
37 Gellini; AAA Insurance)

38 RICHARD MEREDITH OWENS

39) Case No.: CV 12-06332 JSW
40)
41) CONTINUOUS CIVIL RIGHTS
42) VIOLATIONS OF STATUTORY AND
43) CONSTITUTIONAL RIGHTS 42 U.S.C.
44) §§1983, 1985, and 1986, 5th and
45) 14th AMENDMENTS, CALIFORNIA
46) CONSTITUTION ARTICLE I §7(A),
47) DEFAMATIONS, SLANDERS, WRONGFUL
48) IMPRISONMENTS, FALSE ARREST, LACK
49) OF JURISDICTION, DUE PROCESS
50) VIOLATIONS, WRONGFUL INTERFERENCE
51) WITH ECONOMIC ADVANTAGE, FRAUDS,
52) MALICES, OPPRESSIONS, INTENTIONAL
53) INFILCTIONS OF EMOTIONAL
54) DISTRESS, TORTS, HUMAN RIGHTS
55) VIOLATIONS, HARASSMENTS, CIVIL
56) CONSPIRACIES TO DEPRIVE OF CIVIL
57) RIGHTS, DISCRIMINATION UNDER
58) COLOR OF LAW, EQUITABLE RELIEFS:
59) DECLARATORY AND INJUNCTIVE
60) RELIEFS, DAMAGES, MALICIOUS
61) PROSECUTIONS, SLAPP,
62) ABUSE OF PROCESS,
63) INTENTIONAL MISREPRESENTATIONS,
64) CONCEALMENTS, ASSAULTS,
65) BATTERIES, OBSTRUCTIONS OF
66) JUSTICE, ABUSES OF PROCESS,
67) INEFFECTIVE ASSISTANCE OF
68) COUNSEL, DEPRIVATION OF RIGHT TO
69) ADEQUATE REPRESENTATION AND
70) APPELLATE ATTORNEY
71) PERJURY FRAUD ON THE COURT,
72) OBSTRUCTION OF JUSTICE,
73) DEPRIVATION OF REPRESENTATION
74)
75) JURY TRIAL REQUESTED

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77
78 Emergency request for Disqualification of Defendant Beverly Wood from FL064080;
79 Stay of All Actions pending change of venue outside of Marin County upon filing
80 of third Amended Complaint including other Defendants - CV 12-06332 JSW

1 PRELIMINARY MATTERS

2 To each party and to Counsels of Record for each party: As a
3 preliminary matter, this Pro Se litigant respectfully requests that
the court takes judicial notice of the following:

4 Pleadings in this case are being filed by Plaintiff In Propria
5 Persona, wherein pleadings are to be considered without regard
to technicalities. Propria, pleadings are not to be held to
the same high standards of perfection as practicing lawyers.
6 See Haines v. Kerner 92 Sct 594, also See Power 914 F2d 1459
7 (11th Cir 1990), also See Hulsey v. Ownes 63 F3d 354 (5th Cir
8 1995). also See In Re: HALL v. BELLMON 935 F.2d 1106 (10th
Cir. 1991)."

9 DIOP respectfully moves this court for a continuance of the
10 amended filing deadline in order to allow her to do more research
11 and to brief the court in a manner that would assuage its lack of
12 understanding about DIOP's complaint. Due to the complexity of the
13 case, DIOP does not relinquish her constitutional right to fair and
14 adequate representation especially given the imbalanced legal
15 arena. Defendants have access to City and County Counsels, or
16 private attorneys while Plaintiff does not have the financial
resources yet to retain able counsel. DIOP appreciates the court's
earlier extension and has taken note of the court's directions.
However, DIOP's financial status requires the assistance of a pro
bono or contingency lawyer, which is harder to come by.

17 DIOP endeavored to seek self-help legal assistance through
18 (415) 782-9000 EXT 8657 according to the flyer (**EXHIBIT 1**). DIOP
19 received no answer and then was referred to the legal referral
service (415) 989-1616, where Julian (sic) the female clerk said
had little to no help in civil matters excluding federal cases. It
20 is only on the last week that DIOP was able to find the self help
lawyers that the court alluded to upon visiting the clerk's office
21 and wrongfully getting on the 15th floor where Diop discovered the
legal self help center and took and appointment this week. DIOP
22 incidentally noted that a different flyer was available with
23 updated numbers of the self-help office (**EXHIBIT 2**). Unfortunately,
24 as DIOP prepared to head to the center to obtain counsel, she was
25 advised that the staff had an inconvenience and to not come to the
appointment. Based on all these delays, DIOP respectfully requests
26 an extension to try at best to obtain legal assistance to clarify
her complaint in accordance with the court's guidelines and
recommendations.

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1 As DIOP is still recovering from recurring cardiac issues upon
2 being exposed to the flu and back pains, arthritis, and ovarian
3 cyst causing severe cramps that hinder long sitting periods for the
4 purpose of researching and redrafting this complaint. Additionally,
5 DIOP had been attending to her son over the winter break owing to
6 OWENS'S out of State illegal travel plans and the child's
7 subsequent influenza that kept him out of school for a week. This
spanned from late December into January 13. Plaintiff also
experienced severe allergies and sneezing that worsened her stiff
neck. DIOP reiterates her need for legal assistance given the
emotional toll that stems merely from revisiting the series of
horrendous abuses that she had endured over the years.

8
9 In the interim, DIOP reincorporates by reference the pertinent
10 laws that she ran across as stated by an attorney's qualified
11 perspective regarding family law issue in 13cv 1944 CAB SOUTHERN
12 DISTRICT OF CALIFORNIA (BLM) for its highly pertinent points and
13 laws relevant to DIOP's present complaint. This also suggests that
14 DIOP's case present additional causes of actions such as RICO and
15 know or DOES Defendants that she attempt to highlight briefly in
16 this draft but which will require a separate complaint for clarity.
In an effort to make iterations DIOP may have overlooked previously
stated facts or causes of actions or Defendants. This is inadvertant
and henceforth, Diop reicorporates as though fully set all
allegation of earlier complaint drafts; all causes of actions to
each other; and pertinent allegations of related civil case civ
085835 and F1064080 or other cases involving the parties or actions.

17 1. PARTIES IN THIS COMPLAINT

18 A. PLAINTIFF

20 Name: RAMA DIOP (DIOP)
21 Address: 527 Hillside Avenue, Mill Valley, CA 94941
22 Phone: (415) 755-8485

23 b. DEFENDANTS

24 COUNTY OF MARIN, ET AL,

25 BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

26 MARIN COUNTY HEALTH AND HUMAN SERVICES, ET AL

27 Defendant County of Marin (COM) is a municipal entity existing
28 within and doing business as the County of Marin within the

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1 District. The County operates the facilities, and certain services
2 for the Marin County Superior Court, the Mil Valley Police, and the
3 Marin County Health and Human Services, creates, implements customs
4 and practices administered by County Judicial Officers,
5 administrators, staff; provides professional legal services and
6 advice to the citizens of Marin County, including services related
7 to the practice of "family law" - divorce and paternity, custody and
8 visitation, child support, domestic violence, restraining orders,
self-help services, frequently asked questions, form selection and
advice, and public information regarding court fees, rules,
locations, calendars, and proceedings, Social Workers and their
Superiors acting under the Children and Family Services subdivision
of the Marin County Health and Human Services.

9
10 DEFENDANT 4: LARRY MEREDITH
11 HEATHER RAVANI
12 JO McCORMACK
13 EDWARD KIERNAN
14 MICHELE KENO
15 HADAR HARTSHORN
16 MARIA AFFINITO
17 Address: 3250 Kerner Boulevard
18 San Rafael, CA -----
19
20
21

CITY OF MILL VALLEY, ET AL

22 The City of Mill Valley (CMV), administers, prepares, and implements
23 all policies, practices, procedures, and operations of all Mill
24 Valley Police Department Facilities, including policies, and
25 procedures regarding protection of people and enforcement of laws
26 and is responsible for the officers actions.

MILL VALLEY POLICE DEPARTMENT, ET AL

27 Defendant 1: MICHAEL LANE, Officer
28 MICHAEL LANE, Individually
SCOTT BROOKS, Officer
SCOTT BROOKS, Individually
DAVID KOLLERER, Officer
DAVID KOLLERER, Individually
PAUL WRAPP, Sergeant
PAUL WRAPP, Individually
LANE C. MILDE, through his supervisors

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1 STEVEN HEISINGER, through his supervisors
2 DOES ASSISTING OFFICERS, through their supervisors
3 LINDSAY HAYNES, though her supervisors
4 NEW OFFICER, through his supervisors

5
6 Address: 1 Hamilton Dr. Mill Valley, CA 94941

7 ADMINISTRATION OF THE COURTS

8 Marin County Superior Court is part of a network of county courts
9 governed by a 27-member Judicial Council led by Ms. Tani Cantil-
10 Sakauye, Chief Justice, California Supreme Court. the Judicial
11 Council is the policy-making body of the California Courts and is
12 responsible for ensuring the consistent, independent, impartial and
13 accessible administration of justice. The Administrative Office of
14 the Court (AOC) is the support staff of the Judicial Council.

15 MARIN COUNTY SUPERIOR COURT, ET AL

16 Defendant Marin County Superior Court (MCSC) is a municipal entity
17 chartered under and doing business in the County of San Diego. In
18 conjunction with the County, Marin County Superior Court operates
19 facilities and judicial services, creates and implements judicial
20 policies, customs, and practices administered by judicial officers,
21 administrators, and staff, and provides professional legal services
22 and advice to the citizens of Marin County, including services
23 related to the practice of "family law" - divorce and paternity,
24 custody and visitation, child support, domestic violence,
25 restraining orders, self-help services, frequently asked questions,
form selection and advice, and public information regarding court
fees, rules, locations, calendars, and proceedings, Social Workers
and their Superiors acting under the Children and Family Services
subdivision of the Marin County Health and Human Services.

26 Defendant 1: BEVERLY WOOD Commissioner/Judge
27 Address: BEVERLY WOOD, Individually
28 3501 Civic Center Drive, Dept. O
San Rafael, CA 94903

29 Defendant 2: LYNN DURYEE, Judge
30 Address: Lynn Duryee, Individually
31 3501 Civic Center Drive, Dept. ---

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1 San Rafael, CA 94903

2 Defendant 3: Verna A. ADAMS, Judge
3 Address: Verna A. ADAMS, Individually
4 3501 Civic Center Drive, Dept. ---
5 San Rafael, CA 94903

6 DEFENDANT 4: ROY CHERNUS, Judge
7 Address: ROY CHERNUS, Individually
8 3501 Civic Center Drive, Dept. B
9 San Rafael, CA 94903

10 DEFENDANT 5: ALEXANDRA QUAM, Family Law Facilitator
11 Address: ALEXANDRA QUAM, Individually
12 3501 Civic Center Drive, Room -----
13 San Rafael, CA 94903

14 DEFENDANT 6: KIM TURNER,
15 Address: KIM TURNER, Individually
16 3501 Civic Center Drive, Room 113
17 San Rafael, CA 94903

18 DEFENDANT 7: GLORIA WU, Family Court Services Mediator
19 Address: GLORIA WU, Individually
20 3501 Civic Center Drive, Room 116
21 San Rafael, CA 94903

22 MARIN COUNTY BAR ASSOCIATION

23 DEFENDANT --: ALEXANDRA QUAM
24 Address:

25 DEFENDANT --: TRACY BARRETT
26 Address:

27 DEPARTMENT OF JUSTICE

28 KAMALA HARRIS, Attorney General, the State Law Officer ensures that
the laws of the state are uniformly and adequately enforced, heads
the department of Justice, which is responsible for providing state
legal services and support for law enforcement. Acts as the chief
counsel in state litigation, overseas law enforcement agencies
including District Attorneys and Sheriff.

29 MARIN COUNTY DISTRICT ATTORNEY

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1 DEFENDANT --: ED BERBERIAN
2 Address: 35 Civic Center Drive, Room 120
3 San Rafael, CA 94903

4 DEFENDANT --: RICHARD MEREDITH OWENS
5 Address: 50 Country Club Drive, Mill Valley, CA 94941

6 MCBA PROPOSED ADDITIONAL DEFENDANTS UPON LEAVE OF COURT TO AMEND

7 DEFENDANT --: BETH JORDAN (Proposed addition on Leave of Court)
8 Address:

9 DEFENDANT --: LAW OFFICES OF DON A. LESSER
10 DON A. LESSER
11 Address:

12 DEFENDANT --: AAA INSURANCE THROUGH BENNET, -----
13 STUART GILLIAM
14 THOMAS GELINI
15 Address:

16 DEFENDANT --: LAW OFFICES OF RUSSELL K. MARNE
17 RUSSELL MARNE
18 Address:

19 ADDITIONAL DOES DEFENDANTS

20 DIOP asserts that various facts stated herein constitute causes
21 of actions for Civil Racketeering Counts under U.S.C. 18 §1962(c),
22 (d), based upon Defendants' participation, ownership, whose
23 affiliation with one or more criminal enterprises as that term is
24 defined under 1964 (c). DIOP has identified various enterprises,
25 which she plans to elaborate on based on contiguous pleading unless
the court gives to DIOP leave to amend to include additional causes
of actions and parties based on all or part of causes of actions
cited herein or to be added to the present complaint.

Defendants acted under color of statutes, regulations,
customers, and usage of the State of California, County of Marin,
and or City of Mill Valley, and pursuant to the official policies
thereof, except as otherwise alleged.

Each Defendant was the agent, associate, affiliate, co-
conspirator, superior and or employee of each other Defendant and
was acting within the course, scope, purpose of such relationship in
each act ascribed to them herein, except as otherwise alleged.

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1 Various other DOES will be identify individually and/or in their
2 professional capacity to prevent and or discipline their subordinate
3 employees and or agencies.

4 DIOP reincorporates by reference all pertinent causes of actions
5 cited in her civil complaint CIV085835. DIOP did not include the
6 DOES then in hopes that OWENS's actions were remote acts based on
7 his perjury, misleading various other entities. However, the other
8 DOES, thorough their lethargic, discriminatory, defamatory,
9 retaliatory, and corrupted acts caused DIOP to be subject to
10 additional harm and are therefore responsible individually and/or in
11 their professional capacity.

12 In the interest of drafting a more concise and succinct
13 statement that the court requested, it is possible that DIOP
14 overlooks or omits additional facts. Hence, DIOP reincorporates by
15 reference all her allegations previously filed with the court and
16 incorporatees each of the paragraphs of the present complaint to
17 each cause of action in order to avoid repetitions and seek
18 permission to rename causes of actions pursuant to legal names.

19 2. JURISDICTION (ADDITIONAL PENDING REDRAFTING)

20 My case belongs in federal court under federal question
21 jurisdiction because it is about federal law(s) or right(s).

22 This court has jurisdiction pursuant to the following statutes:

23 A: Federal Question jurisdiction: Title 28 United States Code §1331;

24 B: Federal Regulation of Commerce Jurisdiction; Title United States
25 Code §1337;

26 C: Federal Supplemental Jurisdiction Title 28 United States Code §
27 1367(a)-(b);

28 Federal Declaratory Judgment Act of 1946: Title 28 United States
Code §§ 2201-2202;

29 Section 1964 (a) of the Racketeer Influenced and Corrupt
30 Organizations Act of 1970 ("RICO") Title 18 United States Code §§
31 1964(a), (b), (c), and (d);

32 RICO 18 U.S.C. §1965(a), (b), and (d); and

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1 Rules 57 and 65 of the Federal Rules of Civil Procedure; and
2

3 The general legal and equitable powers of this Court

4 Protection against the continuous violation of 5th and 14th
5 Amendments "to prevent the government from abusing [its] power, or
6 employing it as an instrument of oppression, [due process and equal
7 protection challenges to inadequate police response in domestic
8 violence situations]; 159 A.L.R. Fed 37 [State-created Danger," or
9 Similar Theory, as Basis for Civil Rights Actions under 42 U.S.C.,
S1983]; on what constitutes state action, see *infra*, §619 et seq.)

10 Under §619, "State action prohibited by the Fourteenth Amendment ...
11 May be executive or judicial action.

12 "Notice is fundamental to due process: " Engrained in our concept of
13 Due Process is the requirement of notice. Notice is sometimes
14 essential so that the citizen has the chance to defend charges.
15 Notice is required before property interests are disturbed, before
16 assessments are made, before penalties are assessed. Notice is
17 required in a myriad of situations where a penalty or forfeiture
18 might be suffered for mere failure to act." (*Lambert v. California*
(1957) 355 U.S. 255, 78 S.Ct. 240, 243, 2 L.Ed.2d 228, 231).

19 under 42 U.S.C. §§1983, 1985, and 1986. The court has jurisdiction
20 under 28 U.S.C. §§1333 and 1337

21 Federal Disqualification under 28 U.S.C. § 455

22 Appendix Code of Conduct for United States Judges
(Effective July 1, 2009)

23 (ADDITIONAL JURISDICTION TO BE DETERMINED UPON ATTORNEY REVIEW)

24 3. VENUE

25 Venue is proper under U.S.C. §1331(b) as one or more Defendants are
26 located or reside in this District, and a substantial part of the
27 events and omissions giving rise to DIOP's claims occurred in this
28 District. second issue is the "interest-of-justice" standard under
29 USCA 1406.

30 4. INTRADISTRICT ASSIGNMENT

31 This lawsuit is assigned to San Francisco out of convenience.

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1 5. STATEMENT OF FACTS AND CLAIMS

2 This case stems from the false accusation of domestic violence
 3 from Richard Meredith Owens (OWENS). The Mill Valley Police
 4 Department (MVPD) arrested DIOP despite being privy to OWENS's
 5 admittedly false police reports when DIOP called 911 for
 6 assistance. The Marin County District Attorney (MCDA) failed to
 7 prosecute OWENS for multiple counts of Misdemeanor PC 148.5 (EXHIBIT
 8 ---). This lethargy turns out to mirror a systemic judicial approach
 9 to condone OWENS's multiple ensuing crimes and to "shoot the
 10 messenger."

11 DIOP regained legal access to the family residence just to have
 12 a threat from MVPD of Citizen's arrest without probable cause
 13 (EXHIBIT 30). Once out of the residence under duress, MVPD
 14 suggested to OWENS to lock out DIOP and refused to allow her
 15 reentry. MVPD prejudicially side with OWENS who stated that he would
 16 "do whatever it takes" to evict DIOP, without care to violating
 17 DIOP's civil rights (EXHIBIT 33).

18 OWENS lied to illegally evict DIOP from the family residence to
 19 circumvent proper eviction because OWENS stated that Officer Michael
 20 Lane (LANE) contiguously suggested to OWENS to get a restraining
 21 order without any fear of violence (EXHIBIT---). OWENS hatched a
 22 plan to depict DIOP as the criminal when she called 911 against his
 23 assaults at the family residence.

24 DIOP resorted to filing a civil complaint (CIV 085835) against
 25 OWENS, in which she forewarned that the authorities' failure to
 26 protect her and her minor son's civil rights when OWENS falsely
 27 accused DIOP of threatening to kill him with a knife could have
 28 deprived DIOP of her freedom, where it initially displaced her and
 her minor son into homelessness (EXHIBIT ----).

1 DIOP's fear came to pass as Defendant returned to the drawing
 2 board to sketch a parody of his false accusation about the knife
 3 when DIOP called 911 a second time over OWENS's assault and battery
 4 (EXHIBIT---). OWENS' s false report to Mill Valley Police that DIOP
 5 battered him instead, causing her false arrest, criminal
 6 prosecution. The criminal case was dismissed (EXHIBIT 32).

7 After MCDA dismissed the criminal charges against DIOP , the
 8 Marin County Health and Human Services engaged another social
 9 character assassination against DIOP, through a defamatory
 10 blacklisting in the child abuse central index (EXHIBIT ----).

11 DIOP who had been emotionally embattled through the false arrest
 12 and ensuing criminal prosecution attempted to reconnect with an
 13 employer in hopes to get over her trauma. However, the renewed
 14 prosecution from the Marin County Health and Human Services added
 15 insult to injury and continued to hinder her ability to stay focused

1 and continued to emotionally distress DIOP who eventually withdrew
 2 from the job (EXHIBIT ----).

3 OWENS then steadfastly applied for a Domestic Violence
 4 Restraining Order through false pretense of violence (EXHIBIT 34).
 5 Marin County Superior Court Judge Lynn Duryee issued it to OWENS in
 6 violation of her duty to disclose her fiduciary conflicts of
 7 interest with OWENS's attorney, Alexandra Quam (EXHIBIT 35).

8 The later worked for Freitas, McCarthy, McMahon, law firm, where
 9 judge Duryee's husband is a partner.

10 Ms. Quam failed to adhere to the code of judicial ethics in
 11 knowingly appearing in front of Judge Duryee while actively working
 12 at her husbands' law firm. Ms. Quam was eventually hired at the
 13 Marin County Superior Court as the Family Law Facilitator, thereby,
 14 precluding DIOP's access to this legal assistance as various
 15 judicial officers failed to adhere to Family Code Section 2030 and
 16 2032 by which OWENS should provide her attorney fees to ensure a
 17 leveled playing field. Judge Verna Adams (ADAMS) forced DIOP to be
 18 in Pro Per in the main, including being her own attorney for four
 19 days at a custody trial where OWENS hired Beth Jordan, then the
 20 Family Law Bar Association Chair Person.

21 JORDAN obtained at the onset the complicity of Dr. Gloria Wu,
 22 Recommending Mediator for the Marin County Superior Court. Dr. Wu.
 23 WU changed the custody recommendation she issued to DIOP upon making
 24 more thorough investigation than she did when OWENS illegally
 25 evicted DIOP and her son from the family residence and solely gave
 26 information that the mediator used against DIOP. Dr. Wu corrected
 27 her recommendation upon DIOP's participation but then drastically
 28 changed it again when OWENS secured Beth Jordan whose influence on
 Gloria Wu and the judge was indubitable owing to her influential
 position (EXHIBIT ----).

This is in par with a saying that openly goes in Marin Courts:
 "a good lawyer knows the law but a great lawyer knows the judge."
 In fact, Robert Rothmann (ROTHMANN), ESQ. related the court's
 animosity and recommended me to find an influential lawyer given
 that something went amiss in the way judge ADAMS treated him and
 Gloria Wu sharply departed from her favorable corrected
 recommendation.

" I ... believe you are being mistreated by the court system...
 You presented a positive recommendation from Gloria Wu. This now
 has changed dramatically. Additionally, the animosity exhibited
 by Judge Adams has given me pause to reflect that your case will
 be a long term rehabilitation of your character before the court
 and a slow but persistent revelation of the true character of
 Richard. With this in mind and my belief based on the latest
 court document and judge Adams's hostile behavior, I believe you
 need an attorney who appears before her regularly and is in a

1 sense an insider. I don't want to take your money if I can't
 2 help you in the way that I think you need help" (EXHIBIT ----).

3 OWENS secured the complicity of yet another Judicial Officer
 4 whose impartiality DIOP had questioned. Commissioner Beverly Wood
 5 failed to her judicial act in refusing to remedy the illegal
 6 domestic violence restraining order that Duryee issued to OWENS
 7 despite her conflict of interest with OWENS's lawyer, Alexandra
 8 Quam, who worked for Freitas, Duryee's husband's law firm. It turned
 9 out that WOOD's husband also co-owned FREITAS, wherefore, she
 10 refused to address the invalidity of DURYEE's order in fiduciary
 11 conflict of interest. DUTYEE had recused herself and may not have
 12 been aware that over time, OWENS admittedly lied to her in his
 13 application for a Domestic Violence Restraining Order against DIOP.

14 WOOD's allegiance to OWENS's cause would be the guiding
 15 principle in this case over all clearly established statutory and
 16 constitutional due process rules. As OWENS's criminal complaint has
 17 proven, WOOD steadfastly subjected DIOP to a humanly demeaning ankle
 18 bracelet and a blanket 3 years restraining against DIOP to heighten
 19 her risk of incarceration. These abuses of discretion were not
 20 commensurate with OWENS's unsubstantiated frivolous accusation that
 21 DIOP had battered him, where Commissioner Wood was fully aware of
 22 OWENS's similar false accusation of domestic violence to falsely
 23 induce Judge Lynn Duryee to grant his false request for DVTRO.
 24 Commissioner Wood whose impartiality in the family law in which she
 25 seemed to be OWENS's attorney simply abused her power to put DIOP
 away. This retaliation stems from Commissioner Wood's pursuit of her
 personal interest to negate DIOP's complaint of the criminally
 collusive judicial acts that led her to protest openly with the
 Marin Peace and Justice and in open demonstration in protest outside
 the Courts (EXHIBIT 38).

26 By sharp contrast to WOOD unleashing all adverse actions at her
 27 disposition, including negative statements against DIOP at the
 arraignment, WOOD deliberately sabotaged the issuance of DIOP's
 request for DVTRO to protect the child when he adamantly complained
 that OWENS had battered him during a daylong visitation and caused
 his facial injury. WOOD obstructed the MCHHS social worker's
 testimony and DIOP's attorney to confront that testimony upon
 ordering that she will conduct solo, an in-chamber interview
 excluding all parties and attorneys, where she could have ordered
 the closed courtroom format that would allow transparency and
 scrutiny.

WOOD also granted the MVPD's request for a gag order that
 effectively excluded their report. WOOD ignored various
 incriminating testimonies including from OWENS's witness list as
 together, they disconfirmed the police officer's attempt to

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1 incriminate DIOP through a false report that she was wearing a ring
 2 on her left finger that could have perpetrated the child's facial
 3 injury. WOOD equally disregarded additional inculpating testimonies
 4 including Rahman's pediatrician and the landlord who witnessed
 Rahman's account to the social worker and his confident complaint to
 the landlord about various abuses from OWENS.

5 MCHHS social workers failed to prosecute OWENS at each juncture,
 6 opting instead to give casual warnings against OWENS's sexual abuse
 and ignore his repeated physical abuses. Their ensuing "unfounded"
 7 dispositions aimed to lay blame upon DIOP and munitions to OWENS to
 convert his abuses into requests for custody.

8 MCDA's dismissal of the criminal charges against DIOP,
 9 unexpectedly disrupted Commissioner Wood's plan to hand DIOP's head
 to OWENS on a silver platter. On fact, OWENS already started to loom
 10 the fruits of his fraudulent police report and ensuing attest of
 Diop. He effectively twisted Commissioner Randolph Heubach's hand in
 11 giving him temporary full child custody against the orders
 12 implemented five days prior that Owens vociferously objected to in
 13 court. The order came about when OWENS, having been used to the
 14 court's complicity in issuing the orders he demands sought full
 15 child custody and limited visitations for DIOP despite his inability
 16 to care for the child including severe educational neglects of the
 17 child. Few months prior, when the court rejected his request to
 18 appropriate DIOP's visitations coinciding with the child's school
 19 opening days, OWENS took those visitations despite the court order
 20 forbidding him to do so. Where OWENS's motivation for demanding the
 21 school opening visitations were to make sure the child attends
 22 school, OWENS failed to drop the child to his school opening and
 23 falsely called him sick for two days. Instead of making the
 supposed sick child available for visitation with DIOP or the
 school, both 5 minutes away from his residence, OWENS took the child
 about 2 hours away to Lake Sonoma on a speed boating trip. Adding to
 other grave custodial misgivings that DIOP documented without
 bringing those to an ordinarily hostile and prejudiced judicial
 officer, OWENS's request for more custodial time provided DIOP a
 defensive outlet to bring about his misconducts. Surprisingly,
 Commissioner Heubach granted to DIOP more custodial time, to OWENS's
 displeasure.

24 When OWENS Demanded temporary custody of the child 5 days after
 25 Heubach issued his adverse order against his custodial request,
 26 HEUBACH failed to assess OWENS's possible motive as DIOP had no
 27 reason for assaulting OWENS. HEUBACH himself had once issued a DVTRO
 against OWENS for trespassing and burglarizing DIOP's home upon
 HEUBACH's own observation of OWENS's wrath in court. Hence, HEUBACH,
 without questioning OWENS's motives rushed to temporarily change

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1 custody OWENS, while misrepresenting that he unsuccessfully tried to
 2 have DIOP at the hearing. DIOP was in jail, and thenbailiff offered
 3 to bring DIOP down later for the hearing. Additionally, HEUBACH knew
 4 that she would appear in the afternoon at arraignment proceedings.
 Still, he held the hearing without DIOP's ability to be heard in
 opposition.

5 In the aftermath, HEUBACH was replaced in the family court
 6 bench, delaying DIOP's motion to vacate his order shifting temporary
 7 custody to OWENS. This delayed justice continued to interfere with
 8 DIOP's ability to reunite with her son in a timely manner in hopes
 9 that DIOP's possible incarceration as WOOD staged in, would prevent
 the court from undoing its damages. Upon the dismissal of the
 criminal charges against DIOP, HEUBACH eventually set back in place
 the custody orders that OWENS maliciously thwarted after putting
 DIOP into custody to take the child into his custody.

10 HEUBACH ordered that his orders remain as set absent major
 11 Chang of circumstance. However, as soon as Commissioner Wood was
 12 back on the family court Bench, OWENS rekindled his request to have
 13 her manipulate custodial orders in order to mitigate his child
 support payments (EXHIBIT --). DIOP highlighted how from the Family
 Court bench, Commissioner Wood previously dictated the Department of
 14 Child Support Orders as Richard demanded her to do (EXHIBIT --).

15 Where WOOD typically verbally aggresses DIOP when she seeks
 16 relief she habitually overextends herself beyond all ethical rules
 17 of conduct and legal predicates. She systematically and abruptly
 18 denied DIOP's requests for attorney fees under Family Code Section
 19 2030 and 2032 and usually retaliates against attorneys attempting to
 20 provide service and request fees. Hence she never awarded fees to
 21 Barbara Kauffman, Esq. while Debra schoenberg, Esq. rejected out
 22 right DIOP's request to seek WOOD's disqualification even if she
 23 believes that Wood mishandled DIOP's rights stating that it would
 24 be a "professional suicide" (EXHIBIT--). KAUFFMAN substituted in
 25 the case and was compelled to request Judge ADAMS and WOOD's recusal
 26 in particular arising from OWENS's multiple illegal ex parte contacts
 27 with those judicial officers without ensuring that OWENS provided
 notice and opportunity for DIOP to be heard. WOOD issued adverse
 orders favorable to OWENS while she usually shrieks at DIOP when she
 make valid ex-parte application to protect Rahman's welfare (EXHIBIT
 --).

28 These are the governing status quo by which WOOD prejudicially
 continues to maintain a stranglehold in the custody case. Most
 recently, as OWENS continued to solicit her support against a civil
 complaint that DIOP had filed against him for his tortuous acts,
 WOOD manipulated her previous vacation orders to match OWENS's
 suggestion that this force DIOP, who had been hospitalized in New
 York and undergoing follow-up treatments to return to MARIN if she

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1 wanted to spend the summer vacations that WOOD initially ordered to
 2 take place in New York. KAUFFMAN alerted the court that WOOD's
 3 ordered could be viewed as a manipulation of Civil proceedings. In
 4 fact, this did authorize OWENS's attorneys to fraudulently set in
 5 place various false accusations that they served DIOP with
 6 deposition notices and interrogatories for which they sought various
 7 ex-parte requests to compel or for sanctions in DIOP's absence in
 8 order to fraudulently dismiss the civil jury trial that was set for
 9 September 3, 2013.

10 It is noteworthy here given that DIOP included her civil
 11 complaint to her Federal complaint that DIOP seeks this court's
 12 equitable power these termite that the court lacked jurisdiction in
 13 issuing the underpinning order granting reopening of discovery 3
 14 months before trial. Thus, the court should proceed with the
 15 continuity alleged in this complaint sharing causes of actions cited
 16 in the civil action. By mean of a quick background, Opposing
 17 Counsels notified DIOP's attorney of their ex-parte request to
 18 reopen discovery after DIOP provided a substitution of attorney to
 19 represent herself. The attorney failed to alert DIOP of the ex-parte
 20 proceeding and scheduled a date that he knew directly conflicted
 21 with DIOP's availability (EXHIBIT --).

22 DIOP could not oppose the motion on a shortened time that she
 23 was not aware of. To cure this service deficiency, Opposing Counsels
 24 mailed a notice to DIOP of non-opposition of their motion, that they
 25 did not include in the correspondence. In reality they also knew
 26 that DIOP would be unavailable on the day they set in court as this
 27 was the date that they requested to reschedule a settlement
 conference and DIOP told to her attorney that she would be
 unavailable. Hence, DIOP rushed to the hearing without any
 information or adequate notice to defend against the action in
 violation of her Due Process: "required statutory provision for
 notice and hearing. It has been held that the statute itself must
 provide for notice and hearing, and that the absence thereof is not
 cured by extraofficial or casual notice, or a hearing granted as a
 matter of discretion" (Adequate notice and hearing [\$658]).

28 Judge CHERNUS had no jurisdiction to convenient grant the
 29 reopening discovery to harass DIOP. This order should fail through
 30 collateral attack as CHERNUS set the stage for abuse of process to
 31 legally drain DIOP out. To the extent that repetitive fraudulent
 32 discovery tactic was improperly used to subsequently dismiss the
 33 civil case underpinning the continuity of this action, DIOP seeks
 34 the court's equitable power to not strip the present complaint of
 35 elements contained in the civil lawsuit and to Stay the present
 36 action as necessary in time for a reinstatement of DIOP's related
 37 civil case CIV 085835.

1 To avoid prejudice, DIOP had requested her former civil
 2 attorney, Don Lesser, to sever those causes of actions from the
 3 civil case and consolidate those with the Federal case (EXHIBIT 44
 4). However, this request fall on deaf ears as he was more concerned
 5 about coaxing DIOP to simply dismiss them herself in par with
 6 OWENS's demand upon apparently buying out the attorney as he said he
 7 would if DIOP did not want to deal with him and drop her attorney.

8 WOOD was fully aware of the pending civil case against OWENS and
 9 the present FEDERAL complaint as OWENS mentioned this to her
 10 attention at various hearings, including in his petition seeking
 11 full custody upon exploiting the fact that the MCHHS blacklisted
 12 DIOP . OWENS mentioned his aim to reopen discovery in an email
 13 alerting DIOP that he will reopen custody proceedings since WOOD
 14 replaced Heubach in our family court case.

15 It turned out that WOOD has special affiliations with CHERNUS linked
 16 to how they were handpicked from various candidates. From an article
 17 in the Coastal Post, Barbara Kauffman emphasizes the existence of
 18 special interests and favoritism (EXHIBIT--).

19 CHERNUS failed to apply any jurisprudence in entertaining
 20 various ex parte requests from opposing Counsels to whom he issued an
 21 order reopening the civil discovery, allegedly full fledged, 3
 22 months before the jury trial date merely to harass DIOP. CHERNUS
 23 overlooked the procedural defects, which precluded DIOP's right to
 24 notice and opportunity to rebut opposition's ex parte application to
 25 reopen discovery to DIOP's former attorney. Those information will
 26 be filed to the extent that they are directly relevant to the
 27 present case, which included elements of DIOP's civil case against
 28 OWENS.

CONTIGUOUS COMPLAINT SPECIFICALLY DIRECTED AGAINST BEVERLY WOOD BASED ON EXCERPT
 FROM THIS COMPLAINT

WOOD continues to maintain a stranglehold in the family law case
 through illegal, fraudulent backdating or orders to extend her lost
 jurisdiction, slapp, rico, conspiracy to sabotage the underlying
 CIV085835 trial, retaliatory, prejudicial practices that DIOP will
 excerpt from this complaint and adjoint to highlight the scope of
 her abuse of power to cater to OWENS and for the poroposition that
 it needs to be amended as she continues to entertain OWENS's
 retaliatory SLAPP suits in a terror threat to alienate the child
 from his mother whose freedom he subjects to WOOD's trifling through
 bogus sceduled contempt hearings (EXHIBIT 1).

ASSAULTS AND BATTERIES

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1 COUNT 1:

2 1. Defendant Richard Meredith Owens assaulted DIOP, thereby causing
3 her immediate injury to her person. DIOP reported Defendant's
4 verbal and physical assaults by placing a 911 call. DIOP's
former attorney obtained the record.

5 2. The 911 dispatcher referred DIOP's call to the Mill Valley
6 Police officer, which also reported the abuse against DIOP.
7 Defendant caused physical injury to DIOP. Although DIOP's dark
8 completion made it hard to detect, Defendant's kicking on DIOP's
9 left foot were visible few days later in the form of black marks
10 and soreness. The area was sore for months and after periods of
swelling was followed by months of scabbing. DIOP showed her
injuries leg to various people and was told to take a picture of
it at some point (**EXHIBIT**).

11 **MALICIOUS PROSECUTIONS AND ABUSE OF PROCESS TO HARASS DIOP**

12 3. OWENS fabricated false accusation that DIOP perpetrated domestic
13 violence against him and made antiSemitic slurs in an effort to
14 illegally pit MVPD Officers LANE and BROOKS to arrest and
15 falsely imprison DIOP. These fraudulent reports aimed to
16 displace the child custody that HEUBACH issued 4 days prior to
17 Defendant's displeasure. Upon belligerently yet unsuccessfully
18 opposing the unfavorable custody orders, OWENS caused DIOP's
criminal prosecution and steadfastly the very next day, he
placed an illegal ex-party request to be awarded temporary sole
custody. His ex-parte Notice was not calculated to give actual
notice to DIOP to defend against his allegations since OWENS
acknowledged that DIOP was in Jail.

19 **CONSPIRACY UPON FRAUDULENT SECUREMENT OF A 3 YEAR DVTRD FROM WOOD**

20 4. OWENS secured Three years restraining orders from COMMISSIONER
21 WOOD who also subjected DIOP to ankle monitoring device that
22 clearly had the effect to heighten DIOP's risk of incarceration.
23 OWENS's request for the maximum time to retrain DIOP was
24 disingenuous as he invited DIOP to share breakfast despite his
claim days DIOP battered him (**EXHIBIT---**).

25 5. OWENS revealed during his divorce proceedings from his third
26 wife, FREDERICKA NEWTON, his plot to keep DIOP at bay for 3
27 years in order to resume their criminal partnership (**EXHIBIT---**
multiple murders, used crack cocaine, had incurable insanity,

1 and treated our minor son "with less compassion than a normal
2 person would show for a dog" (EXHIBIT---).

3 **FALSE ARREST, ANNOYANCE, DEFAMATION, SEARCH, SEIZURE OF PROPERTY...**

4 **COUNT 1: Civil Rights Violations**

5 6. On December 12, 2011, at approximately 3:30PM, DIOP was present
6 in the municipality of Mill Valley, California in the County of
7 Marin, State of California when Defendants arrested DIOP without
8 probable cause. DIOP called 911 to report OWENS's verbal and
physical Assault and Battery. The 911 Dispatcher alerted the Mill
Valley Police Department.

9 **WRONGFUL IMPRISONMENTS THROUGH OFFICER LANE'S INFLUENCING OFFICER**
10 **SCOTT BROOKS TO ARREST DIOP**

11 7. Officer SCOTT BROOKS acted upon his supervising Officer, MICHAEL
12 LANE's suggestion to arrest DIOP. This was done without probable
13 cause. Officers LANE and BROOKS failed to approach DIOP first
14 and get her testimony as she was the one who initiated the call
15 to the 911 dispatcher. Then Mill Valley Police provides
16 preferential treatment to OWENS, a wealthy resident, white male,
17 with property who also benefits from the predominantly male
18 Officers' complicity. Mill Valley Police reported in connection
with their false arrest that DIOP had a very "thick" accent.
This depicts Defendants' prejudicial characterization of DIOP as
a foreigner and their ensuing belittling demeaning,
dehumanizing, and discriminatory acts that led them to falsely
arrest DIOP.

19 **OFFICER LANE ILLEGALLY INTERFERE WITH DIOP'S FREEDOM AND DISPOSSED**
20 **HER OF HER BELONGINGS WITHOUT PROBABLE CAUSE**

21 8. Officer LANE confiscated DIOP's silver ring along with her other
22 properties during the booking process without any probable cause
23 to deprive her of her freedom and property merely on OWENS's
accusation that it was DIOP who perpetrated domestic violence
against him.

1 9. These facts are key in understanding the Mill Valley Police's
2 pervasive bias as it continued to side with Defendant Richard
3 Meredith Owens's false accusations, which led to the false
4 Deprivation of DIOP's liberty through false arrest, jailing,
5 criminal prosecution records, and social blacklisting as a child
6 abuser in the central index.

5 **COUNT 2: INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS, PAIN AND
6 SUFFERING,**

7 10. MVPD Officers LANE and BROOKS illegal arrest of DIOP and
8 transportation in tight police back seat heightened DIOP's
9 soreness at various areas such as her neck and arms. They
10 aggravated DIOP's back injury when OWENS misrepresented to police
11 that DIOP assaulted. BROOKS forced DIOP to ride in his police car
12 in an injurious position to her back. DIOP further experienced
13 extreme discomfort and injury to her body owing to her illegal
14 arrest and confinement to hard bedding at the Marin County jail.

15 **INTENTIONAL MISREPRESENTATION**

16 **DISCRIMINATION AGAINST THE CIVIL RIGHTS ACTS OF 1964 BARRING
17 FAVORITISM OR PREJUDICE OF PEOPLE ON THE BASIS OF SEX, RACE,
18 NATIONALITY, COLOR, OR RELIGION**

19 11. After the 911 dispatcher sent the Mill Valley Police upon
20 DIOP's report of various physical and verbal abuses from
21 Defendant, Richard Meredith Owens, the Mill Valley Police
22 arrested DIOP without probable cause. The Mill Valley Police
23 mentioned on its report DIOP's thick accent given that she is
24 born in Africa. DIOP has a very dark complexion and is a victim
25 of racial profiling where the Mill Valley Police, consistently
takes at face value Defendant's accusations against DIOP.

26 12. OWENS who always defame DIOP in Court when she is about to swear
27 claiming that she is a Muslim to pit the court used a subterfuge
28 to pit the police. Without any proofs, the police appears to have
acted on the religious token. Defendant falsely attributed to
DIOP that she made anti Semitic statement against him. The Mill
Valley Police reported this without care of the statement's
validity to blacklist DIOP in the predominantly Jewish legal
Community.

29 13. Both WOOD and HEUBACH appear to have retaliated against DIOP
30 as a result. The fact that OWENS is a wealthy white Male
31 property owner who gave donations to the police among others

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1 should be factored in the Mill Valley Police's constant support
2 to OWENS whenever he complaints about DIOP.

3 **HUMILIATION, DEFAMATORY INJURY TO REPUTATION, INJURY TO ECONOMIC
4 ADVANTAGE, MARGINAL ARREST, FALSE IMPRISONMENT, MALICIOUS
5 PROSECUTION, CIVIL RIGHTS VIOLATION, FRAUD, MALICE, DECEITS,
6 OPPRESSION,**

7 **COUNT 1:**

8 14. Officers LANE and BROOKS failed to act within statutory and
9 constitutional anti discriminatory parameters, which a
10 reasonable person in its position would have done. CONSPIRACY TO
11 DEPRIVE DIOP OF HER FREEDOM. LANE illegally suggested to owens
12 to seek a DVTRO against DIOP without probable cause. Officer
13 Michael Lane prompted the arrest without any probable cause.
14 LANE did not have any justifiable reliance on OWENS's
15 uncertified statement as he is privy to OWENS's propensity to
16 lie to police to circumvent legal channels. DIOP reincorporates
17 previously attached to previously complaint pertinent facts that
18 she enumerated in her related Civil Complaint against OWENS in
19 the Marin County Superior Court: CIV085835 (EXHIBIT). The
20 complaint shows that Mill Valley Police contributed to DIOP's
21 Civil Right Violations through its usual discriminatory
22 practices and prejudice against DIOP.

23 15. A synopsis of those pertinent facts show that Defendant
24 falsely misrepresented to the Mill Valley Police that DIOP
25 trespassed his house. Multiple police cars reported to the
26 residence whereas, The police belittled DIOP including Officer
27 LANE When the police realized that Defendant had lied that this
28 was a trespassing where DIOP and her son continuously lived at
the residence for 16 months, the Mill Valley Officers still
condoned Defendant's immediate retaliations to force DIOP out.
The Mill Valley Officers said that this was expected from
Defendant's anger.

16. Defendant thereafter misrepresented to the Mill Valley Police
Office that DIOP had come at him with a kitchen knife when DIOP
called 911 over Defendant's verbal and physical assaults. The
Mill Valley Police immediately took Defendant's side and
effectively evicted DIOP whom they asked to leave the family
residence with her minor son with Defendant. As such, the Mill
Valley Police helped Defendant circumvent lawful eviction
procedures. Defendant later made judicial admissions at trial,
via email, and in writing that he lied about DIOP coming at him
with a kitchen knife (**EXHIBIT--**). Consists of excerpts from

1 various evidences of Defendant's perjury to various officials in
2 all impunity.

3 17. LANE acted maliciously in overlooking that when he previously
4 told OWENS to take legal actions to remove DIOP from the family
5 residence, OWENS circumvented his advice and filed a false
6 police report that DIOP threatened to kill him with a kitchen
7 knife in order to get Officer MILDE to remove DIOP from the
8 family residence.

9 18. On OWENS's testimony, Officer LANE also engaged in an ex-parte
10 off-record communication to advise him to file a restraining
11 order without any probable cause that DIOP had engaged or was
12 about to engage in any domestic violence. Hence, despite his
13 seemingly correct police report, LANE tipped OWENS about using
14 DVTRO against DIOP. One week later, OWENS lied to Officer MILDE
15 that DIOP threatened to kill him with a kitchen knife.

16 19. When LANE initially told OWENS to seek legal remedy to evict
17 DIOP from the family residence, he also tipped OWENS off record
18 to seek a domestic violence restraining order. Hence, LANE's
19 fraudulent conduct when he had ex-parte contact with OWENS
20 before prompting Officer BROOKS to arrest DIOP is to blame for
his prejudicial conduct aimed to oust DIOP as he told OWENS to
use a DVTRO.

21 20. At the time, of applying for a DVTRO, OWENS stated: Ms. DIOP
22 threatened me with a kitchen knife. She said that I was evil &
23 deserved to die. She wore at me repeatedly. OWENS gave to DIOP a
24 handwritten note confessing about LANE's implication and
25 admitting at trial that he lied about the kitchen knife
accusation against DIOP and the frivolousness of his DVTRO
application:

26 "Yeah, no, the alleged -- the alleged violence incident was that
27 I was being -- that I was being told charges were being made
against me of sexual misbehavior, rape, and what have you, that
-- that came like a bolt out of the sky. I had no -- this never
happened, and I didn't expect it, so that was the violence of --
of -- of some sort anyhow. The other violence w my house
looked like it had been invaded by Keystone Cops, and they were
running all over the place. She's running, they're running, I'm
downstairs. It wasn't violent, but it scared the hell out of
everybody" ... One man came up to me -- ... This is the officer
Mike Lane?

1 The big tall one.

2 right. and he told you should get a restraining order?

3 And did you ask for the restraining order because you felt you
4 were in danger from Rama?

5 I actually asked for -- I asked for it because a police
6 officer told me I needed one" (EXHIBIT---).

7 **LANE COULD NOT JUSTIFIABLY RELY ON OWENS'S TESTIMONY TO TELL BROOKS
8 TO ARREST DIOP ON OWENS'S RENEWED FRAUDULENT CLAIM OF BATTERY WHEN
9 DIOP CALLED 911**

10 21. OWENS acted upon this in order to shy away from taking legal
11 eviction process against DIOP and their minor son. LANE initial
12 contact with Defendant is the conduit for his tactical
13 conspiracy calculated to deprive DIOP of her civil rights. When
14 Officer Michael Lane tipped Defendant Richard Meredith Owens to
15 seek a restraining order against DIOP, he had no reason to
believe that DIOP threatened to, engaged in, or was about to
commit domestic violence. DIOP filed a report with the MVPD
against OWENS's perjury such that the officers were privy to his
propensity to lie and could not assert any justifiable reliance
on his statement.

17 **SUPERVISORY FAULT AS MVPD OFFICERS TEND TO PROVIDE ASSISTANCE TO
18 OWENS FIRST WHEN DIOP SEEKS ASSISTANCE AND PREJUDICIALLY TREAT DIOP**

19 **COUNT 1: SUPERVISORY NEGLECT FOR MVPD MILDE'S FIELD MISTAKE**

20 22. MILDE improperly spoke with owens first wherefore he formed a
21 wrong judgment that diop had to leave the family residence
MILDE's mistake was instrumental in allowing OWENS to use his false
accusation that DIOP threatened to kill him with a kitchen knife in
order to illegally evict DIOP from the Family residence. Officers
22 LANE AND BROOKS were tainted as they confronted DIOP instead of
23 attempting to find out about the abuses that Richard Meredith Owens
24 perpetrated against her.

25 23. The Mill Valley Police systematically believes the Defendant's
26 account when he reports false crimes against DIOP. This benefit
of doubt operates to trivialize DIOP's abuse reports and falsely
27 fabricate alibis for Defendant. The Mill Valley Police has no
evidence supporting its false arrest.

1 **COUNT 3: SELECTIVE ENFORCEMENT OF REGULATIONS ON THE BASIS OF RACE**

2 Mustov. V. Rice, 663 F. Supp. 1255 (N.D. Ill. 1987)

3 24. OWENS alleged in his complaint that DIOP uttered antiSemitic
4 remarks while the MVPD Officer Scott Brooks stated that DIOP had
5 a thick accent. Together, these show the characterization of
6 DIOP as a foreigner who usually gets the lower end of the stick
when it comes to obtaining reliefs against OWENS, a white,
wealthy wrongdoer with property from Mill Valley.

7
8 **COUNT 4: DELIBERATE DENIAL OF POLICE PROTECTION ON RACIAL GROUNDS**

9 Mody v. City of Hoboken, 959 F.2d 461 (3d Cir. 1992).

10 25. As a result of officers LANE AND BROOKS' s misconduct, DIOP
11 was injured, humiliated through defamation to her reputation,
12 framing as a perpetrator of criminal acts. DIOP experienced fear
13 of threat of further violations against her civil rights, and
ruined her economic advantage. DIOP's attorney witnessed MVPD
14 refusal to take a police report over owens's stalking (EXHIBIT--
15 --). MVPD officer Ian Madison (MADISON) whisked off an eyewitness
who offered to testify in front of the Mill Valley Rite Aid
16 Store that he witnessed OWENS stalking DIOP.

17 **MILL VALLEY POLICE REFUSED TO INVESTIGATE OWENS'S CHILD ABDUCTION
18 BUT STEADFASTLY HARASSED DIOP OVER OWENS'S SECOND FALSE ALLEGATION
19 OF CHILD KIDNAPPING**

20 26. OWENS violated a custody court order, falsely called Rahman
sick, refused to transition him to his mother 5 minutes away,
21 then reportedly traveled nearly 2 hours away to Lake Sonoma with
the allegedly sick child.

22 27. The Sonoma police requested a referral for further
23 investigation and/or warrant from the Mill Valley Police.
24 However, various officers refused to take action. Their Sergeant
WRAPP, casually asserted that "the child is fine" without
25 establishing contacts with him or OWENS for over 3 days. It took
about 9 days for DIOP to reunite with her son with no charges on
Owens.

26 28. By contrast, MVPD Sergeant WRAPP promptly investigated at
various levels and threatened to initiate child abduction
27 ~~actions. WOOD directed OWENS to go to the DA who personally~~
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1 contacted DIOP to investigate while DIOP had never been able to
2 directly get the DA to investigate. The receptionist told DIOP
3 repeatedly that the DA would not get involved absent MVPD
4 referral and the MVPD routinely fails to take reports, or makes
it devoid of accuracy to provide fraudulent exculpatory alibi to
OWENS.

5 **OWENS RELATED HIS MOTIVE FOR SEEKING DIOP'S ARREST**

6 **OWENS'S REQUEST FOR THE MAXIMUM DVTRO WAS DISHONEST AND ONLY
7 CALCULATED TO DISPLACE THE CUSTODY ORDERS SET FOUR DAYS PRIOR**

8 29. A witness statement shows OWENS's motive to alienate DIOP from
9 her son's upbringing through false arrest. Letter from Mr.
10 Mustapha Senghor relates his conversation with OWENS concerning
11 his intention to have DIOP rot in jail in order to gain custody
and use cheap labor for the care of the minor child (EXHIBIT-).

12 30. OWENS who sought "the maximum DVTRO" actually invited DIOP for
13 breakfast few days later as his only motive was to twist the
court's hand to regain child custody as a bargaining chip
14 through the complicity of the Mill Valley Police Officers. The
officers ignored DIOP's complaint about OWENS's calculated
15 motives: On 12/12/11, the day of OWENS's assault and battery on
DIOP, he writes: "I will be in court tomorrow morning seeking
16 full custody of Rahman. if you are out of jail by then, you need
to appear". On 12/18/11, OWENS states: "Please call Rahman...He
17 has tried to reach you a umber of times, and he has left you a
message. Also, if you are ready to co-parent, we could try to
have breakfast together this week. he would love to see you"
18 (EXHIBIT 49). On 12/20/11, Owens states "your son asks for you,"
19 which denotes DIOP's separation from her son and the anguish
20 that the Defendants' acts caused in DIOP and her son (EXHIBIT).

21 **COUNT 2: FALSE ARREST CAUSED MCHHS BLACKLISTING**

23 31. Mill Valley Police's false arrest and criminal prosecution of
24 DIOP led to the Marin County Health and Human Services' referral
and continued blacklisting of DIOP whose name appears on the
25 Child Abuse Central Index specifically stating that it is
because DIOP was the one who was arrested.

26 **ADDITIONAL DETAILS SUPPORT THE RACIAL BIAS, PROFILING AND
27 DISCRIMINATION**

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1 32. OWENS lied to the police on various occasions before police
2 arrested DIOP based OWENS's unwitnessed complaint. In doing do,
3 the police shows that it always believes OWENS despite the long
history of OWENS making multiple false police reports and
accusations against DIOP.

4 33. SAUSALITO police report showing OWENS's trifold violation of
5 custody orders ans lying that the child was sleeping in refusing
6 to facilitate the transition to DIOP as it was her visitation
7 and by court order OWENS was not supposed to have the child on
8 his boat or overnight. OWENS then committed perjuring in
submitting a picture showing that Rahman was up at 10:22 PM
watching a movie. The DA did not prosecute.

9 34. In the pertinent portions of her Superior Complaint CIV085835,
10 DIOP related actions from the Mill Valley Police following their
11 illegal eviction of DIOP and her minor son from the family
12 residence. When DIOP regained legal access to the residency,
13 Defendant placed a false report of trespassing that the Mill
14 Valley Police fraudulently acted upon. First, the Police officer
15 DOE assisting Officer HEISINGER threatened DIOP to go outside or
16 be jailed even where they had no reason to believe that DIOP
17 broke the front door's lock to gain entry.

18 35. Once DIOP was forced out of the residence under duress,
19 HEISINGER suggested to OWENS to lock DIOP out of the residence
20 upon stating to his attention that they would not allow assist
21 DIOP if OWENS locked her out. Hence, in lieu of Defendant being
22 subject to civil actions as he was adamant that he would do
23 whatever it took including Citizen Arrest to evict DIOP the MVPD
24 officers ---- to effect the illegal eviction through malicious
25 suggestions. By the same token, the Mill Valley Police
deliberately failed to ensure the protection of DIOP's right to
a peaceful occupancy of the family residence and give unjust
advantage to Defendant Richard Meredith Owens.

22
**SELECTIVE APPLICATION OF RULES TO COVER-UP RICHARD OWENS'S VARIOUS
23 ABUSES**

24
**COUNT 3: MVPD DEFAMATION AND FALSE ARREST CONDUCIVE TO MCHHS
25 MALICIOUS PROSECUTION AND BLACKLISTING**

26 36. Marin County Health and Human Services disregarded the fact
27 that the District Attorney dismissed the Criminal case against
DIOP for the proposition that if a mere arrest is tantamount to
guilt in their view, then a dismissal should constitute

1 innocence. In this case, their rehashing of the dismissed
2 criminal complaint into social incrimination is purely
3 defamatory and serves no legitimate purpose but to harass DIOP

4 **SELECTIVE ENFORCEMENT OF WELFARE CODES**

5 37. DIOP noted that the MCHHS failed to prosecute OWENS whom it
6 prejudged that no criminal charges would be filed against his
7 criminal acts towards the moor child, Rahman Owens, even before
8 the social worker concluded her investigation. By sharp
9 contrast, DIOP was blacklisted after her criminal charges were
10 dismissed and through vague defamatory accusation from HADAR
11 HARTSHORN, that DIOP committed "severe neglect" against Rahman
12 Owens. Dr. GLORIA WU stated in her report:

13 "MARIA AFFINITO, Child Welfare Worker, Marin County Child
14 Protective Services

15 "Maria Affinito (AFFINITO) was present for the forensic
16 interview of Rahman at the Jeanette Prandi Children's Center
17 that occurred on 5-6-10. Ms. AFFINITO reports that there will
18 be no criminal sexual abuse charges filed against Mr, Owens.
19 During the Interview, Rahman reported that his father tickles
him in the genitalia and on his bottom as well as other places
on his body. Rahman described Richard's "ticking" him in a
manner that was not congruent with tickling and reported that
he (Rahman) does not have pants or underwear on when he is
being tickled. Rahman has told his father that he does not like
to be tickled and that Richard has continued to tickle him.
Although the disposition of the allegations has not yet been
determined, Ms. AFFINITO stated that Richard's manner of
touching Rahman is inappropriate and that she will be speaking
with him to emphasize the message that the tickling behavior
needs to cease..."

20 **OBSTRUCTION OF JUSTICE, TAMPERING WITH THE EVIDENCE THROUGH
21 UNNECESSARY DELAY TACTICS**

22 38. In this case, the MCHHS used delay tactics to await one month
23 between the abuse complaint referral to interview the child.
24 This delay was not justified in that AFFINITO determined that
the child's renewed his complaint of sexual abuse from the
father to her and had made her reopen the investigations.

25 **INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS**

26 39. MCHHS engaged in deceitful tactics to demonize DIOP as
27 follows: Month-long delay tactic before setting up a forensic
28 ~~interview regarding the child abuse allegations against OWENS.~~

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1 Failure to prosecute OWENS when the report showed the child
2 specifically complaining that OWENS sexually fondled him while
3 he was naked and refused to stop. MCHHS only issued a casual
4 warning to Defendant to stop the inappropriate Behavior. The
5 ensuing unfounded finding from the Agency aimed to give a
6 clearance to OWENS about his abuses and to not be listed in the
7 child abuse registry. By contrast, MCHHS listed DIOP without
8 evidence of any wrongdoing, where she was the victim of OWENS's
9 abuses.

10

11 **FAILURE TO PROSECUTE OWENS FOR CHILD ABUSE THROUGH NEGLIGENT AND
12 DELIBERATE UNFOUNDED DISPOSITION TO PROVIDE AMMUNITIONS TO OWENS FOR
13 ACCUSATIONS OF PARENTAL ALIENATION AGAINST DIOP**

14

15 40. MCHHS typically disregards all of OWENS's wrongdoings, whether
16 through the child's direct complaints or through mandated
17 reporters. On this same footsteps, AFFINITO quickly discarded
18 the abuse and any criminal prosecution of the father and instead
19 opted for mere warning to the the father, OWENS. this casual
20 predisposition once again subordinated the child's welfare to
21 the father's impunity. In addition, it provided to the father
22 Defamatory underpinning that subsequently aided him in obtaining
23 the full custody of the abused child.

24

25 **ILLEGAL INTERFERENCE WITH DIOP'S PARENTAL RIGHTS THROUGH INTENTIONAL
26 FAILURE TO TAKE INTO CONSIDERATION DIOP'S EVIDENCES**

27

28 41. MCHHS overlooked relevant supporting evidence including but not
limited to the following:

OWENS sexual dysfunction and depravity whether or not related to his
self diagnosis of Bipolar Disorder. In a book, "loving someone with
bipolar disorder" OWENS underlined some of his traits:"does
something very sexually inappropriate but doesn't seem worried or
ashamed about it at all" (**EXHIBIT---**). Hence, OWENS also engaged in
lewd sexual conducts such as stripping for cash in homosexual
venues, random bisexual encounters for homosexual explorations or
extramarital affairs, exhibitionistic gigs, etc... (**EXHIBIT ---**).

42. DIOP would not have stood a chance had she been in OWENS's
shoes. Where MCHHS blacklisted DIOP merely over Defendant's
misrepresentations that DIOP had committed domestic violence
against him, MCHHS deliberately shove under the rug glaring
evidences supporting Rahman's complaint that his father, OWENS,
engaged in sexually abusive conducts against him. NATHALIE
SALLES had incidentally testified over one year prior to

1 Rahman's disclosure of OWENS's sexual abuse against him that
2 Rahman confided to her:

3 "that his father touches his tchoutchou which is the way he
4 refers to his genitals. I asked him if it was because he was
5 cleaning him. Rahman said it was not the case but that his
6 father was playing with his tchoutchou. When I asked him if he
7 said to his father that he (Rahman) did not want his father to
8 do that, Rahman said no because his father would be very angry
9 and "fight' him (**EXHIBIT ---**). MS. SALLES provided that
10 testimony to CPS well before Rahman renewed his complained about
11 OWENS's sexual abuse.

12 **FAILURE TO INVESTIGATE CHILD URINATION DISFUNCTION ROOTED IN ALLEGED
13 DOMESTIC MARITAL FIGHTS LEADING TO ISSUANCE OF ADVERSE UNFOUNDED
14 REPORT THAT OWENS'S DIVORCE PROCEEDINGS DISPROVED**

15 43. AFFINITO also failed to investigate Rahman's complaint of
16 disturbing nocturnal domestic fights at the family residence
17 between OWENS and his former wife, FREDERICKA NEWTON. MCHHS
18 overlooked this fact in issuing an "unfounded" disposition of
19 Rahman's overall complaints leading to OWENS gaining full
20 custody of Rahman. Case in point, AFFINITO disregarded DIOP's
21 email relaying Rahman's complained that FREDERICKA "is even
22 worse than daddy" (**EXHIBIT 69**). Dr. Wu reported:

23 " With regards to Rahman being exposed to loud fighting between
24 his father and his wife, Ms Affinito did not disclose that his
25 father and wife fight at his father's home" which was later
26 disproved. Subsequent Divorce proceedings between OWENS and his
27 third wife put the limelight on the marital tensions that
28 Rahman had complained about all along, which the Court and
29 MCHHS shove under the rug as "unfounded" thereby giving to
30 OWENS ammunitions to seek full custody of Rahman in the
31 aftermath of his complaints against OWENS.

32 **MCHHS FAILURE TO INVESTIGATE CHILD URINATION DISFUCNTIONS WITHIN HIS
33 COMPLAINTS OF DOMESTIC FIGHTS BETWEEN OWENS AND HIS NOW EX-THIRD
34 WIFE THAT DIVORCE PROCEEDINGS CONFIRMED**

35 44. AFFINITO. further failed to investigate the domestic tensions'
36 causation of Rahman's contiguous urination dysfunction as
37 indicated in a research (**EXHIBIT 72**). AFFINITO failed to
38 investigate the domestic dispute between OWENS and his former
39 wife even though the court noted in its minute order suspending
40 his visitations pending investigation: "the court hears
41 recording of the child talking about the fights at Father's home
42 and observes a telephone video of the child" (**EXHIBIT 73**).

1
2 **NEGIGENT FAILURE TO INVESTIGATE LEADING TO CHILD ENDANGERMENT UPON**
3 **HIS WRONGFUL PLACEMENT IN THE HANDS OF HIS ALLEGED ABUSERS**
4 **INTERFERING WITH DIOP'S PARENTING RIGHTS**

5 45. OWENS's Divorce proceeding documents show his statement that
6 FREDERICKA was mistreating Rahman in response to FREDERICKA's
7 statement to Rahman' attention "You poor child" as follows: "At
8 the end, you treated him with less compassion than a normal
9 person would show for a dog" (**EXHIBIT**).

10 46. Without filing criminal prosecutions against OWENS following
11 the Prandi Center Forensic interview, MCHHS prevented Rahman's
12 protection as he was thrust in the unsupervised care of his
13 designated abuser. In response to Frederika saying "You poor
14 child" to Rahman's attention, OWENS alluded to her mistreatment
15 of Rahman (**EXHIBIT--**).

16 47. Additionally, while OWENS provided polished positive
17 personality traits to WU and WOOD about Frederika, he then
18 disclosed her dark past. OWENS sought to nullify their marriage
19 and accused Frederika as having "in curable insanity, Fam. Code
20 §2310 (b)" "unsound mind, (Fam. Code §2210(c)," and "fraud (Fam.
21 Code § 2210(d)" even though he had been attempting to subject
22 Rahman to her presence (**EXHIBIT--**).

23 48. OWENS's statements against FREDERICKA show the harmful placement
24 if Rahman with his abusers. Although OWENS depicted an
25 impeccable résumé as a nurse to the recommending mediator Dr.
26 Gloria Wu and Commissioner WOOD, OWENS had this much to say
27 about his actual partner in crime:

28 "Unmentioned is the statement by Frederika Newton Owens to me
29 that she is an addict, that she has used crack cocaine, that
she has witnessed multiple murders, and that she had her
previous lover restrained on the basis that he had tried to
choke her... Ms. Newton has also joined a cult society called
FAA. these events in my estimation have caused Ms. newton to be
unstable..." (**EXHIBIT --**).

40 49. OWENS further proves that MCHHS's social workers declined to
41 acknowledge DIOP's relating Rahman's complaint without care to
42 connecting the dots about the record of OWENS and FREDERIKA's
43 unfitness as OWENS reported furthermore:

44 "Our marriage seems to be ending because both of us are sick"
45 (**EXHIBIT**). Additional threats of "suicide" came about as OWENS
46 had titled his email to FREDERIKA elaborating: "the path you

1 are on does not lead to peace. And, it leaves me with deadly
2 haunts in my head that could be dispel if you had the kindness
3 to do so. Or, if what you feared did come to pass, it would
4 haunt you for the rest of your life no matter what my motive"
(EXHIBIT --). MCHHS's failure to thoroughly investigate and
connect the dot led to its oversight of OWENS's bipolar
disorder and its.

5
6 50. Under the care of OWENS and his third ex-wife, the minor child
7 underperformed and nearly failed first grade. A similar
8 interverence with DIOP's parenting rights when the minor was in
9 kindergarten set the stage for the major disturbance in the
child's performance and were emotionally destructive and
alienating against DIOP's parenting right to the child's
detriment.

10 **DENIAL OF EQUAL PROTECTION TO DIOP PRECLUDING HER FROM BEING
11 PROTECTED, OR THE CHILD AGAINST OWENS'S ABUSES**

12 51. It is noteworthy here that OWENS's statement was objecting to a
13 DVTRO that was issued to Frederika against him. This confirms
14 DIOP's complaint that the Marin County Superior Court seems to
15 issue DVTRO to actual criminals while continuously refusing to
provide DIOP DVTRO protection that she repeatedly requested for
her and Rahman.

16 52. DURYEE issued a DVTRO to OWENS whose false account that DIOP
17 threatened to kill him with a kitchen knife she believed over
DIOP's complaint of Domestic Violence against OWENS.

18 53. When HEUBACH issued a DVTRO against OWENS for trespassing and
19 burglarizing DIOP's home upon leaving court angry, Judge ADAMS
20 subsequently denied it. When DIOP subsequently filed another
request for DVTRO, Judge ADAMS rejected it as "litigation
21 tactic".

22 54. When DIOP requested a DVTRO to protect Rahman from OWENS whom
23 he adamantly designated as the perpetrator of his facial injury,
Commissioner WOOD rejected it through obstruction of justice and
24 overlooking all inculpatory testimonies against OWENS. She then
increased OWENS's custodial time exactly as OWENS requested
25 showing how this would mitigate his child support payments.
Commissioner WOOD's favorable disposition of the DIOP's DVTRO
26 application to OWENS's benefit also prejudged the so-called
pending criminal investigation that the Mill Valley police used
27 to seek a gag order from Commissioner WOOD.

1 55. By contrast, WOOD issued a DVTRo against DIOP when OWENS make a
2 false accusation of domestic violence against DIOP. OWENS uses
3 it as a token to get back his old partner in crime against
4 Rahman as he found himself in a jam with her and feared for his
5 life enough to think that it was best for him to gain her
6 complicity than to be her enemy as follows:
7

"P.S. Reviewing Rama's stay away order, it is market as bring
in force for 3 years. Provided you are near to me, she can not
come near to you again. Rahman will be 9 years old when the
order is lifted..."

8 56. Whereas both WOOD and OWENS continuously insult DIOP for being
9 unemployed, despite her valid reasons, OWENS offered to bribe
Frederika with \$250,000 wherefore she would stop working.

10 57. Despite MCHHS failure to refer OWENS to the Child Abuse Central
11 Index Listing at different junctures against his physical and
12 sexual abuses, not to mention documented educational neglects,
13 and the domestic disputes that Rahman complained of, MCHHS
14 referred DIOP to the Central Index Listing over OWENS's renewed
false accusations of domestic violence against DIOP.

15 58. In blacklisting DIOP over OWENS's misrepresentation that DIOP
16 physically abused him, MCHHS disregarded OWENS's perjury in
17 filing a false police report and its relevance to his expert,
18 DR. MARGARET LEE's testimony: "there is certainly research that
people who are sociopathic or psychopathic are more likely to
molest children" (**EXHIBIT --**).

19 **OBSTRUCTION OF DUE PROCESS RIGHT TO CROSS EXAMINE WITNESSES AT
TRIAL AND CONCEALMENT OF EVIDENCE**

20 59. MICHELE KENO the County Counsel was paid for by constituents
21 to conceal the various information contained I the report such
22 that the request to protect the child from OWENS's. Commissioner
23 WOOD ordered their testimony in her chamber to avoid cross-
examination. Their obstruction of justice and tampering with
24 witness and evidence was used against DIOP, the protective
parent.

25 **MCHHS AND MILL VALLEY POLICE PARTICIPATION IN OBSTRUCTION OF JUSTICE
IN CONNECTION WITH A DVTRo HEARING AGAINST OWENS FOR BATTERY WITH
INJURY UPON MINOR CHILD**

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1 60. The minute order of the proceedings confirms that whereas
2 DIOP'S Attorney, BARBARA KAUFFMAN, ESQ. requested a hearing in
3 closed court to be able to cross-examine MARIN COUNTY CHILD
4 PROTECTIVE SERVICE (CPS) worker MARIA AFFINITO, WOOD ordered her
solo in-chamber interview of the CPS worker, AFFINITO, which
prevented KAUFFMAN from cross-examining AFFINITO.

5 **MCHHS SOCIAL WORKER AFFINITO AND FCS MEDIATOR DR. GLORIA WU OVERLOOK
6 CHILD'S COMPLAINT OF PHYSICAL VIOLENCE AGAINST OWENS**

7 61. Although Dr. Gloria Wu restated in her recommendation Social
8 worker AFFINITO's report that Rahman complained that "... His
9 father has spanked him" none of the services in charge of
protecting Rahman took notice or connected the dot concerning
OWENS's continuous physical abuse against Rahman.

10 **CONSPIRACY UNDER COLOR OF LAW AND THROUGH PURELY PRIVATE CONDUCTS
11 SECTION 1985 (3) AND PERVERSIVE VIOLATIONS OF DIOP'S CONSTITUTIONAL
12 AND STATUTORY DUE PROCESS IN RESULTING FROM DIOP FALSE CRIMINAL
PROSECUTION AND SOCIAL BLACKLISTING**

13 **DEFAMATION AND SLANDER**

14 62. HARTSHORN initiate a frivolous, unsubstantiated "Notice of
15 Child Abuse Central Index Listing" leaving blank the field
16 marked "date(s) and location(s) the alleged abuse or neglect
17 occurred." In lieu of substantiating the field marked "the
18 specific act(s) of abuse or neglect alleged against you is/are
as follows:" HARTSHORN remains vague and over broad through his
19 defamatory statement: "substantiated: severe neglect (Rahman
Owens) (EXHIBIT --)

20 **MALICIOUS PROSECUTION**

21 63. EDWARD KIERNAN, maliciously prosecuted DIOP without any valid
or credible evidence. His frivolous attacks of DIOP's character
22 do not constitute any legal or factual basis for the severe
neglect accusations against DIOP. From his denigration of DIOP's
23 911 call to his incongruous conclusion that as a custodial
parent Defendant could not be committing kidnapping, KIERNAN is
24 only motivated to make a case for the Health and Human Services
25 against DIOP and not motivated to protect the child.

26 **CONCEALMENT**

1 64. KIERNAN knew or should have known that the District Attorney
2 dismissed the criminal case against DIOP. However, KIERNAN
3 willfully concealed known exculpatory evidence as follows: if
4 the DIOP was listed in the child abuse index for being arrested,
5 then the prosecutors' dismissal of the criminal case should
6 amount to innocence. Instead, KIERNAN illegally attempted to
7 beef up HARTSHORN's, the social worker's initial referral devoid
8 of any tangible evidence, overly vague, and unsubstantiated
9 blanket allegations of "severe neglect".
10
11

12 **CONCEALMENT OF EXCULPATORY DISMISSAL OF THE CRIMINAL PROSECUTION**

13 65. JO McCORMACK Conducted a biased hearing from which DIOP was
14 absent. He knew or should have known that the prosecutors
15 dismissed the underlying criminal case against DIOP. Since the
16 agency equated DIOP's arrest to child abuse then her release
17 from the charges should amount to her innocence. Instead, Mr.
18 McCORMACK chose to align himself with the agency's frivolous
19 accusations against DIOP and as such he is a co-perpetrator of
20 the malicious prosecution against DIOP.

21 **CONCEALMENT OF AGENCY RECORDS AND DEPRIVATIONS OF DUE PROCESS**

22 66. HEATHER RAVANI, in her capacity as the MCHHS' Director
23 fraudulently validated the agency's illegal ruling even though
24 she was aware of the lack of due process surrounding the
25 hearing. She is equally responsible for concealment and
26 malicious prosecution given her belated disclosure of agency
27 record, of concealment of information and or of the introduction
28 of surprise hearsay testimony and or evidence that were not
disclosed to Tracy Barrett, Esq. who viewed the agency record on
behalf of DIOP.

29 **DEFAMATORY AFFIDAVIT WITHOUT SUBSTANTIATION**

30 **ABUSES OF PROCESS**

31 **COUNT 1: DEFAMATION**

32 67. HARTSHORN, through his Supervisor RAVANI, referred DIOP to the
33 Child Abuse Index Registry without substantiation. HARTSHORN's
34 accusation was overly vague and denotes a careless defamation of
35 DIOP. The agency left blank the section "Date(s) and
36 location(s) the alleged abuse or neglect occurred" (Notice of
37 Child Abuse Central Index Listing, Page 1 of 1). The agency
38 refused to cancel this overly vague inculpatory document nor to

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1 provide any information to DIOP who immediately requested this.
2 Instead, the agency remained mum and forced DIOP to take part in
3 an unconstitutional grievance process.

4 68. MCHHS SUPERVISORS erroneously or through abuse of discretion
5 failed to dissolve its charging affidavit when DIOP immediately
6 objected to its "indefiniteness and uncertainty" not rising to a
7 valid cause of action (**EXHIBIT---**). The agency remained utterly
8 secretive about disclosing any information except 10 day prior
9 to the hearing. This does not allow meaningful preparation to
10 defend against belated accusation.

11 **VIOLETION OF DUE PROCESS REQUISITES THROUGH MCHHS "GUILTY BEFORE
12 PROVEN INNOCENT" SCHEME**

13 69. DIOP's blacklisting ahead of any evidentiary hearing set the
14 stage for abusive due process violations. MCHHS uses public
15 resources to stage defamatory accusations, beef up its position
16 through illegal undisclosed evidences while DIOP must face an
17 uphill battle to clear her name without financial resources.

18 **DEFAMATION PER SE**

19 70. HADAR HARTSHORN issued a vague unsubstantiated and incomplete
20 notice. He failed to substantiate his complaint for "severe
21 neglect" thereby drafting any meaningful rebuttal at the onset,
22 except as the law provides, DIOP's challenge due to the
23 defective complaint. HARTSHORN refused to allow DIOP to bring
24 support, including the Center for Domestic Peace advocates, at
25 the initial hearing. In this fashion, HARTSHORN could introduce
illegal hearsay as he did later. HARTSHORN refused to
communicate with DIOP or the CENTER FOR DOMESTIC PEACE advocates
as he was only interested in establishing face time with DIOP in
order to put words in her mouth.

26 **CONSPIRACY TO DEPRIVE OF CIVIL RIGHTS**

27 71. THEREZA HIGUERA refused to allow DIOP extra time to prepare
28 for trial. Even where she minimally extended by few days the
hearing, she refused to disclose any information to afford extra
time to prepare a meaningful rebuttal. The hearing violates due
process predicates as it doe not provide for constructive notice
in time to defend the action when MCHHS holds on to the
accusatory information until 10 days before the hearing.

29 **CONCEALMENT**

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1
2 72. HIGUERA is responsible for providing follow-up information to
3 DIOP refused to do so except 10 day prior to the hearing. Even
4 where she provided a brief extension of the hearing date, she
5 refused to disclose the inculpatory information and delayed its
6 disclosure as well. This secretive approach allows the AGENCY to
7 buy time to beef up HARTSHORN's trumpeted up vague and over
broad accusation of "substantiated severe child neglect".
HIGUERA refused to provide adequate time to prepare for the
hearing as TRACY BARRETT, ESQ. states: "We are not going to be
forced to go forward on the 10th, but they will not agree

8 **OBSTRUCTIONS OF JUSTICE**

9 **COUNT 1: Due Process Violations**

10 73. HIGUERA, HARTSHORN, AND RAVANI failed to release disclosable
11 information to DIOP at the onset upon DIOP complaint that the
12 accusatory notice of child abuse index listing was vague,
uncertain, and needed to be removed.

13 **MALICIOUS PROSECUTION AND ABUSE OF PROCESS**

14 In doing so, they violated rule 622 and should be deemed to
15 have illegally and maliciously prosecuted and defamed DIOP through
16 subsequent frivolous litigations aimed to allege surprise hearsay
17 at the hearing upon failing to disclose any evidence and testimony
10 days prior.

18 **INEFFECTIVE ASSISTANCE OF COUNSEL**

19 74. DIOP alleges that TRACY BARRETT, ESQ. (BARRETT), failed to
20 provide "reasonable competent assistance" pursuant to Strickland
and therefore did not safeguard DIOP's 6th Amendment Right.
21 BARRETT states via email: she stated that the agency's
22 claim was baseless and subsequently confirmed her viewpoint as
follows:

23 "The meeting went pretty well - very well in some regards... I
24 am looking forward to giving you the details. Having seen
25 their "evidence" (or lack thereof) I feel more confident on
your behalf." (EXHIBIT --).

26 75. BARRETT rushed through the tasks s appeared at the hearing
27 against DIOP's request that she seeks a continuance only in
order to adequately prepare for trial instead of merely two

1 weeks between getting a retainer and the date set for trial.
2 BARRETT failed to object to additional undisclosed information
3 and hearsay testimony that she had not received at the time she
4 reviewed the MCHHS's record.

5 COUNT 2:

6 76. She states upon viewing the "evidence" that MCHHS had nothing
7 against me in a phone conversation and via email. However, she
8 fails to basic duty of care to ask for a copy, and statement of
9 position that would have prevented the Health and Human Service
10 from introducing undisclosed disparaging hearsay information at
11 the hearing. BARRETT, ESQ. defense for not safeguarding DIOP's
12 rights were to avoid coming across as too belligerent.

13 COUNT 3:

14 77. Fails to challenge belated surprise evidence presented at
15 trial despite statements indicating that the proffered evidence
16 had not been previously disclosed when she reviewed the Health
17 and Human Services' record. Per the Marin County Health and
18 Human Services' policy regarding "Examination of Evidence and
19 Disclosure of Witness" at Grievance Hearings:

20 "Failure to disclose evidence or witness list at least ten
21 (10) business days prior to the hearing can constitute grounds
22 for objecting to consideration of the evidence at the hearing
23 or to the hearing testimony of a witness during a hearing."

24 78. However, the hearing record presents BARRETT's waiver of
25 DIOP's appearance in lieu of securing a continuance, lacking
26 information to contradict the hearsay testimonies that she was
27 not presented at the discovery stage, making illegal inferences
28 without consulting DIOP. Ms. Barrett "stipulated that if
present, the mother would testify consistent with what she told
the social worker and law enforcement regarding the incident"...

29 **COUNT 4: ILLEGAL REPRESENTATION IN LIEU OF REQUEST FOR CONTINUANCE
30 OR TO STEP DOWN PER DIOPS' REQUEST**

31 79. BARRETT's Due process violations include her failure to secure
32 continuance instead of appearing for trial within 2 weeks of
33 reviewing the case. BARRETT unfamiliar with background issues
34 and testimonies and ignored DIOPS's request that she does not
35 proceed with trial. On May 21, 2012, DIOP advised BARRETT, ESQ.

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1 of their need to meet to discuss the case. DIOP advised Ms.
2 Barrett that she was "severely" allergic. BARRETT, ESQ. noticed
3 DIOP's debilitating allergy and sinusitis symptoms, when she met
4 DIOP and merely took the \$1,500 she requested to evaluate the
case. BARRETT, ESQ. then sent DIOP off to rest without any
substantial discussion or fact-finding.

5 80. Despite her symptoms, DIOP was also busy dealing with her
6 son's year- end school work before visiting her ailing mother
7 out-of-state. Ms. Barrett failed to seek a continuance and
8 instead illegally waived DIOP's appearance at the hearing when
9 DIOP gave her specific directions to not proceed unless
thoroughly prepared and upon securing a continuance. Instead,
Ms. Barrett adopted the Health and Human Services' drastic
schedule and fraudulently waived DIOP's appearance as the record
indicates:

11 "Due to an illness in the family, Ms. Diop was not present for
12 this hearing, but allowed her attorney to proceed on her
13 behalf with specific stipulations that are cited under the
section entitled, "Hearing Testimony Evidence".

14 COUNT 5:

15 81. Fails to obtains expert witness instead of providing her
16 unqualified opinion to the agency's attempt to claim child was
17 severely neglected where child's psychologist determined
18 otherwise. MCHHS's inculpatory hearsay testimonies included
19 their own arbitrary remarks about the child in lieu of the
20 child's psychologist's contradictory assessment. Had this been
21 disclosed, BARRETT, ESQ. should have at minimum subpoenaed the
22 child's psychologist for her expertise or retained an
23 independent expert to contradict the Health and Human Services'
24 Self-serving determination to incriminate DIOP regardless of the
existing evidence. The flip side of BARRETT, ESQ. failure to
retain an expert is the fact that the evidence had not been
disclosed prior to the hearing and she failed to take reasonable
approach that a savvy counsel would have: to object to or move
to strike introduction of the illegal evidence.

25 COUNT 6: Illegal failure to timely satisfy DIOP's request to obtain
her file

26 82. BARRET, ESQ. deliberately failed to produce a copy that DIOP
27 requested of her file. It took an inordinate amount of time for
BARRETT, ESQ. to fulfill DIOP's request until DIOP was compelled

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1 to show up at her office. BARRETT, ESQ. also failed to comply
2 with DIOP's request that she obtains a copy of the Health and
Human Services' file.

3 Absent BARRETT, ESQ. noted Deficiencies, "there is a
4 reasonable probability that that the result of the proceeding would
5 have been different" (Strickland, 6th Amendment).

6 **DECLARATORY RELIEF REGARDING THE MARIN COUNTY SUPERIOR COURT'S LACK**
7 **OF JURISDICTION OVER DIOP IN SPITE OF ITS SUBSEQUENT COLLUSIVE ACTS**
8 **TO LEGITIMIZE DURYEE'S INITIAL UNCONSTITUTIONAL VOID DVTRO ORDERS**

9 83. DIOP's wrongful criminalization follows the court's attempt to
10 illegally maintain jurisdiction over her and to destroy her
character as a result of her request for redress against their
collusive acts

11 **CONTINUOUS CIVIL RIGHTS VIOLATIONS OF STATUTORY AND CONSTITUTIONAL**
12 **RIGHTS 42 U.S.C. §§1983, 1985, and 1986,**

13 84. OWENS escalated his false report of knife threat to seek
14 domestic violence restraining orders. Judge Lynn Duryee granted
15 the request despite her fiduciary conflict of interest as her
16 Husband's Law Firm represented Defendant. DURYEE issues Domestic
Violence Restraining Order (DVTRO) in conflict of interest as
her husband's law firm represented Defendant, OWENS.

17 85. Judge Lynn Duryee recused herself after issuing the false
18 DVTRO, wherefore, DIOP brought to Commissioner Beverly Wood's
19 attention her request to vacate Judge Lynn Duryee's void orders.
20 This stirred quite an anger from Commissioner Beverly Wood,
whose friendship with Judge Duryee stems from their husband co-
ownership of Freitas.

21 86. Naturally WOOD refused to perform the very judicial acts that
22 she assumed. Although she forcefully remained in the case
despite various violations, it turned out that her stranglehold
23 of the case was merely to fervently continue to favorably
24 adjudicate for Defendant Richard Meredith Owens. WOOD's
25 impartiality stems from her fiduciary interest in the FREITAS
26 law firm where both her husband and Judge Lynn Duryee are
27 partners. Hence, WOOD refused remedy the fact that OWENS misled
DURYEE into granting his request for DVTRO that illegally
evicted DIOP and her son from the family residence into

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1 homelessness while preventing DIOP from leaving the State of
2 California with her son.

3 **CONTINUOUS CIVIL RIGHTS VIOLATIONS OF STATUTORY AND CONSTITUTIONAL**
4 **DUE PROCESS RIGHTS UNDER THE 5th and 14th AMENDMENTS**

5 COUNT 1: Conspiracy to Deprive DIOP's Civil Rights Through Falsely
6 Assumed Jurisdiction Upon the Concealment of Fiduciary Interests

7 87. Judge Lynn Duryee's Husband is a co-owner of Freitas,
8 McCarthy, McMahon Law Firm. This firm's attorney, Alexandra
9 Quam, Esq. represented Defendant Richard Meredith Owens in our
10 Family Law Case: FL064080 at the Marin County Superior Court.
11 Judge Lynn Duryee issued of a domestic violence restraining
12 order against DIOP while her husband's Law Firm, through its
13 attorney Alexandra Quam, represented Defendant, Richard Meredith
14 Owens. Judge Lynn Duryee failed to disclose her fiduciary
15 interests prior to issuing the orders, granting the Domestic
16 Violence Restraining Orders, which included the illegal eviction
17 of DIOP and her minor son from the Family residence and into
18 homelessness. Judge Lynn Duryee failed to disclose her fiduciary
19 conflict of interests and to disqualify herself ahead of her
20 favorable adjudication for her husband's client. As such, she
21 violated the Code of Judicial Conduct issues Domestic Violence
22 Restraining Order (DVTRO) in conflict of interest as her
23 husband's law firm represented Defendant, RICHARD MEREDITH
24 OWENS.

25 **HUMAN RIGHTS VIOLATIONS**

26 **WRONGFUL INTERFERENCE WITH ECONOMIC ADVANTAGE,**

27 88. DIOP graduated from New York University, Magna cum Laude. As a
28 direct result of Judge DURYEE's issuance of a false domestic
violence restraining order to Defendant, DIOP was forced out of
the family residence into homeless shelters. DIOP was thereby
cut from her employment searches and trusted in homeless
shelters, while forbidding her from leaving the State of
California.

1 COUNT 1: VIOLATION OF JUDICIAL OATH THROUGH VIOLATION OF
2 DISQUALIFICATION RULES REQUIRING DISCLOSURE OF FIDUCIARY CONFLICT
3 OF INTEREST.

4 89. Judge DURYEE's void orders have illegally set the stage for
5 the multiple violations against DIOP. Judge DURYEE favored OWENS
6 in concealment of Fiduciary conflict of interest with attorney
7 Alexandra Quam who represented Defendant Richard Meredith Owens
8 a client of the Freitas, McCarthy, McMahon where Judge DURYEE's
9 husband is a partner.

10 **DECLARATORY RELIEF AGAINST DURYEE VOID ORDER IN CONFLICT OF
11 INTEREST**

12 \$455. Disqualification of justice, judge or magistrate judge

13 a. Any justice, judge, or magistrate judge of the United States
14 shall disqualify himself in any proceeding in which his
15 impartiality might reasonably be questioned.

16 b. He shall also disqualify

17 c. (4) He knows that he, individually or as a fiduciary, or his
18 spouse or minor child residing in his household, has a financial
19 interest in the subject matter in controversy or in a party to the
20 proceeding, or any other interest that could be substantially
21 affected by the outcome of the proceeding;

d. (5) He or his spouse, or a person within the third degree of
22 relationship to either of them, or a spouse of such a person:

e. (i) is a party to the proceeding, or an officer, director, or
23 trustee of a party;

f. (ii) is acting as a lawyer in the proceeding;

g. (iii) is known by the judge to have an interest that could be
24 substantially affected by the outcome of the proceeding;

h. (iv) is to the judge's knowledge likely to be material witness
25 in the proceeding

i. A judge should inform...

26 90. Despite all the above guidelines, neither Judge DURYEE whose
27 husband is a partner at FREITAS, nor OWENS's who was working for
28 FREITAS raised their known conflict of Interest before the
issuance of the DVTRO that threw DIOP and her 16 months old son
out of the family residence and into homeless shelters, namely
the Homeward Bound and the Marin Abused Women

1 FAILURE TO ACT WITH INTEGRITY AS OFFICER OF THE COURT, TO DISCLOSE
2 CONFLICT OF INTEREST, CONSPIRACY TO SEEK FAVORABLE RULING FROM
3 JUDGE DURYEE DOUBLING AS EMPLOYER'S WIFE. DUTY TO DISCLOSE ILLEGAL
4 FACTS TO PROTECT DIOP'S RIGHTS TO DISQUALIFY CONFLICTED JUDICIARY,
CONSPIRACY TO DEPRIVE DIOP OF PEACEFUL OCCUPANCY OF HOUSE; RICO
BENEFITING FORMER FREITAS EMPLOYEE PROMOTED IN COURT POSITIONS TO
PERPETRATE THE MONOPOLISTIC FREITAS PRESENCE IN THE COURT.

5
6 91. ALEXANDRA QUAM, FORMER FREITAS ATTORNEY AND FAMILY LAW
FACILITATOR. ALEXANDRA QUAM, ESQ. who represented RICHARD
7 MEREDITH OWENS, with DURYEE, presiding, worked for DURYEE'S
husband's law firm: FREITAS McCARTHY McMAHON (FREITAS). DURYEE
failed to disclose her fiduciary conflict of interest with
FREITAS before issuing the DVTRo against DIOP that deprived her
of the peaceful occupancy of the family residence into
homelessness with her then 16 month old son (EXHIBIT --). QUAM,
ESQ. failed to disclose her conflict of interest with DURYEE
when she appeared for OWENS while working for DURYEE's husband's
law firm: FREITAS.

12
13 92. Per OWENS, QUAM counseled him to evict DIOP and her 16 months
old son before appearing with OWENS in Judge DURYEE's courtroom
14 to obtain a DVTRo knowing that her request would be granted
because she worked for Judge DURYEE's husband's law firm:
15 FREITAS. As such, QUAM, ESQ. failed to adhere to the code of
Ethical Conduct.

16
17 93. QUAM was subsequently promoted as the MARIN COUNTY FAMILY LAW
FACILITATOR, owing to her ties with the FREITAS law firm, which
18 maintains a monopolistic position in the MARIN COUNTY SUPERIOR
COURT. As such, DIOP is precluded from benefiting from the
19 center's assistance to low income people since various judicial
officers, especially, WOOD and HEUBACH refused to adhere to
20 family law code section 2030 and 2032 to order OWENS to pay
21 DIOP's attorney fees

22 **DEFAMATION**

23
24 94. The Defendants individually and their official capacity
perpetrated various acts that illegally tarnishes DIOP's record
both for the false arrest and even worse, blacklisting in child
abuse central index. These character assassination against DIOP
have no legal basis except to prevent DIOP from shedding light
on their collusive abuses.

25
26 to go beyond the 15th." (EXHIBIT 87).

27
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1 **SELECTIVE APPLICATION OF PROSECUTORY TOOLS TO FALSELY INCRIMINATE**
 2 **DIOP WHILE FAILING TO PROSECUTE OWENS'S BLATANT AND REPEATED CRIMES**

3 95. Whereas the MVPD AND MCDA prosecuted DIOP over OWENS's
 4 rekindled false accusations of domestic violence, the DA
 5 remained unwilling to prosecute OWENS for anything, be it
 6 assault and battery upon DIOP and the minor child, trespassing
 7 with breaking and entering, child kidnapping, domestic violence,
 8 Misdemeanor PC 148.5 for falsely accusing DIOP of threatening to
 9 kill him with a kitchen knife. DIOP highlighted various failures
 10 to prosecute OWENS whether for his crimes against DIOP or the
 11 child. MCHHS for its failure to blacklist OWENS for his multiple
 12 child sexual and physical abuses or over DIOP, while
 13 blacklisting DIOP upon taking OWENS's parodied false assault
 14 allegations against DIOP at face value.

15 INITIAL DISCLOSURES REGARDING DIOP'S COMPLAINT FOR CONTINUOUS CIVIL
 16 RIGHT VIOLATIONS GIVING RISE TO NEW DEFENDANTS AND CAUSES OF
 17 ACTIONS SUCH AS RICO UPON LEAVE FROM THE COURT TO AMEND OR BETTER
 18 YET TO FILE A NEW COMPLAINT THROUGH COMPETENT ATTORNEY AND
 19 CONSOLIDATE IT TO THIS COMPLAINT AS DIOP AIMS AT THIS POINT TO
 20 SIMPLY INFORM THE COURT OF INTERVENING PERTINENT ISSUES

21 **CONSPIRACY TO DEPRIVE OF CIVIL RIGHTS THROUGH PURELY PRIVATE
 22 FRAUDULENT CONDUCTS AND MALICIOUS TACTICS SECTION 1985(3)**

23 96. DIOP has a valid defense against the Dismissal of her related
 24 civil complaint and provides the information contained in her
 25 application to vacate the dismissal order, reinstate her civil
 26 lawsuit with leave for further proceedings, and reschedule a new
 27 jury trial. The dismissal order is void due to fraud on the
 28 court including CHERNUS's participation in the fraud through
 29 conspiracy in conflict of interest.

30 **ABUSE OF CUSTODY PROCEEDINGS TO SABOTAGE DIOP'S CIVIL CASE**

31 97. These are the governing status quo by which WOOD prejudicially
 32 continues to maintain a stranglehold in the custody case. Most
 33 recently, as OWENS continued to solicit her support against a
 34 civil complaint that DIOP had filed against him for his tortuous
 35 acts, WOOD manipulated her previous vacation orders to match
 36 OWENS's suggestion that this force DIOP, who had been
 37 hospitalized in New York and undergoing follow-up treatments to
 38 return to MARIN if she wanted to spend the summer vacations that
 39 WOOD initially ordered to take place in New York. KAUFFMAN,
 40 ESQ. alerted the court that WOOD's order could be viewed as a

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1 manipulation of Civil proceedings. In fact, this did authorize
 2 OWENS's attorneys to fraudulently set in place various false
 3 accusations that they served DIOP with deposition notices and
 4 interrogatories for which they sought various ex-parte requests
 5 to compel or for sanctions in DIOP's absence in order to
 6 fraudulently dismiss the civil jury trial that was set for
 7 September 3, 2013.

8 **CONSPIRACY WITH OWENS'S COUNSEL TO INTERFERE WITH DIOP'S CIVIL CASE**

9 98. It is noteworthy here given that DIOP included her civil
 10 complaint to her Federal complaint that DIOP seeks this court's
 11 equitable power to reinstate DIOP's Civil Complaint because the
 12 Civil court lacked jurisdiction in issuing the underpinning
 13 order granting reopening of discovery 3 months before trial
 14 without due process to DIOP. Thus, the court should proceed with
 15 the continuity alleged in this complaint sharing causes of
 16 actions cited in the civil action.

17 **CONSPIRACY FROM DON LESSER, ESQ.**

18 99. By mean of a quick background, Opposing Counsels notified
 19 DIOP's attorney of their ex-parte request to reopen discovery
 20 after DIOP provided a substitution of attorney to represent
 21 herself. The attorney failed to alert DIOP of the ex-parte
 22 proceeding and scheduled a date that he knew directly conflicted
 23 with DIOP's availability (**EXHIBIT --**). Lesser's implication
 24 denotes OWENS's bribery ever since he started appearing ex-parte
 25 without notifying DIOP and continuing to do so over DIOP's
 26 request.

27 **CHERNUS'S ORDER REOPENING DISCOVERY WAS OUT OF JURISDICTION FOR
 28 FAILURE TO SERVE DIOP AND TIMELY NOTIFY HER OF THE PROCEEDINGS**

29 100. Hence, DIOP could not oppose the motion on a shortened time
 30 that she was not aware of. To cure this service deficiency,
 31 Opposing Counsels mailed a notice to DIOP of non-opposition of
 32 their motion, that they did not include in the correspondence.
 33 In reality they also knew that DIOP would be unavailable on the
 34 day they set in court as this was the date that they requested
 35 to reschedule a settlement conference and DIOP told to her
 36 attorney that she would be unavailable. Hence, DIOP rushed to
 37 the hearing without any information or adequate notice to defend
 38 against the action in violation of her Due Process: "required
 39 statutory provision for notice and hearing. It has been held
 40 that the statute itself must provide for notice and hearing, and

1 that the absence thereof is not cured by extraofficial or casual
2 notice, or a hearing granted as a matter of discretion"
(Adequate notice and hearing [\$658]".

3 101. Judge CHERNUS's convenient granting of the motion reopening
4 discovery should fail either through his own correction of his
5 error or through collateral attack. To the extent that it was
6 improperly used to subsequently dismiss the civil case
7 underpinning the continuity of this action, DIOP seeks the
8 court's equitable power to not strip the present complaint of
9 elements contained in the civil lawsuit and to Stay the present
10 action as necessary in time for a reinstatement of DIOP's
11 related civil case CIV 085835.

12 **LESSER'S INNEFFECTIVE ASSISTANCE IN REFUSING TO SEVER THE CAUSES OF
13 ACTIONS AS REQUESTED AND ATTACH THEM TO DIOP'S FEDERAL COMPLAINT**

14 102. In fact, to avoid prejudice, DIOP had requested her former
15 civil attorney to sever those causes of actions from the civil
16 case and consolidate those with the Federal case (**EXHIBIT--**).
17 However, this request fall on deaf ears as he was more concerned
18 about coaxing DIOP to simply dismiss them herself in par with
19 OWENS's demand upon apparently buying out the attorney as he
20 said he would if DIOP did not want to deal with him and drop her
21 attorney.

22 **LESSER'S CONSPIRACY TO SABOTAGE DIOP'S CIVIL LAWSUIT UPON FAILING TO
23 TIMELY FILE MOTION TO SEVER AND MAKING LAST-MINUTE THREATS TO DROP
24 OUT OF THE CIVIL CASE UNLESS DIOP DISMISSES THE CAUSES OF ACTIONS
25 GIVING RISE TO DEFENDANTS' CONTINUOUS CIVIL RIGHT VIOLATIONS**

26 103. LESSER never mentioned the ex-parte request over discovery and
27 unilaterally appeared on behalf of DIOP without notice to DIOP,
28 even after she provided to him the substitution of attorney that
he demanded at the wake of trial. LESSER threatened to drop out
if DIOP refused to drop her Federal lawsuit and all civil causes
of actions other than the Herpes case against OWENS (CIV085835).
Lesser than allegedly casually informed DIOP about his
unilateral ex-parte appearance via email that DIOP did not
receive. LESSER violated the rule that he must obtain DIOP's
approval before serving her anything via email. LESSER failed to
give a courtesy phone call to DIOP alerting her of emailing her
time-sensitive documents. Lesser agreed to schedule the response
date on the very day that both he and Opposing Counsels knew
that DIOP previously stated her unavailability ahead of the
discovery proceedings.

1 **AAA ATTORNEYS SLAPP SUIT WITHOUT ANY COMPANY LIABILITY CALCULATED TO**
2 **OBSTRUCT THE JURY TRIAL THROUGH ILLEGAL DISCOVERY ORDERS**

3 **ABUSE OF DISCOVERY TO HARASS DIOP AND SABOTAGE THE JURY TRIAL SET 3**
4 **MONTHS AWAY.**

5 **OPPOSING COUNSELS ATTEMPTED TO CURE THEIR UNNOTICED MOTION THROUGH**
6 **FALSE REPRESENTATION THAT IT WAS AN UNNOPOSED MOTION**

7 104. A couple days before the June 5, 2013 hearing, Opposing
8 Counsel's sent to DIOP a notice of unopposed motion to reopen
9 discovery still without serving DIOP with their initial motion
10 or the ensuing order. The jurisdictional defects could not be
11 cured this way as DIOP walked to the hearing without due process
12 knowledge of what was pleaded in the moving papers. Opposing
13 Counsels abused the discovery with the complicity of CHERNUS.
14 According to LESSER, Opposing Counsels were not accepting
15 liability for any part of DIOP's complaint, wherefore, AAA
16 insurance only provided the attorneys for the purpose of forming
17 a collusive deterrent SLAPP action to undermine DIOP's claim.
18 Contiguously OWENS said he would buy out LESSER if DIOP did not
19 want his low settlement offer from all his tortuous acts and
20 willful HERPES transmission to DIOP. OWENS admitted in writing
21 to have contracted the incurable illness through "a rich
22 socialite girlfriend".

23 **JUDGE CHERNUS LACKED JURISDICTION TO ISSUE THE BLANKET DISCOVERY**
24 **ORDER WITHOUT STATUTORY AND CONSTITUTIONAL DUE PROCESS REQUISITES**
25 **AND SUBJECT TO BE VACATED UNDER FEDERAL RULE 60**

26 105. The evidences include and are not limited to the
27 following: DIOP's medical record showing opposing party OWENS and
28 his attorneys' violation of Rule 3.3 (Candor Towards the
Tribunal) which requires the following:

29 Opposing Counsels, Stuart Gilliam (GILLIAM), Thomas Gelini, (GELINI), Russell Marne (MARNE), concealment of material fact or law to the tribunal

30 OWENS fails to disclose a material fact and knowingly makes false statements.

31 GILLIAM and GELINI offer evidence known to be false by omission of material fact concerning DIOP.

32 Judge Paul Hakeenson hired Freitas McCarthy law firm for his

1 retention election such that he immediately granted the first of
2 Opposing Counsel's disingenuous so-called discovery compliance
3 enforcement in DIOP's absence.

4 Opposition knew about DIOP's illness and either chose to disparage
5 her or to proceed upon concealing DIOP's illness "Rapleya v.
6 Campbell CCP 473(b) attorney error.

7 Opposition " shall not disregard the right of the opposing party or
8 counsel stated discovery abuse ".

9 Record of Family Law Proceedings confirming that Defendant Richard
10 Meredith Owens was aware of DIOP's illness and out-of-state
11 location

12 DIOP's Mother's Affidavit showing her disclosure of DIOP's illness
13 to the Defendant Richard Meredith Owens, to his Attorneys, to the
14 Court Clerk whom told her that the case will not proceed with DIOP,
15 among other pertinent testimonies.

16 Declaration of Barbara Kauffman, Esq. DIOP's Family Law Attorney,
17 who notified OWENS's attorney Russell Marne about DIOP's illness.

18 DIOP's request for a Mea Culpa Declaration from her former Counsel
19 regarding his mistake, inadvertence, excusable neglect, or other
20 reasons resulting in his scheduling responsive declarations in
21 direct conflict with DIOP's known unavailability.

22 Former Counsel's failure to give prompt attention to DIOP's
23 suggestion for a motion to sever the Civil right components of
DIOP's civil complaint and consolidate those with the Federal
Complaint to avoid prejudice and alleviate Counsel's load.

24 Former Judicial Officer's statement denying Opposing Counsel,
25 MARNE's attempts to disparage DIOP's complaint to shy away from
26 trial.

27 Disqualification request against Judge Chernus including his non-
28 disclosed acquaintance with Russell Marne to whom he returned
favors owing to Marne's endorsement in the news paper.

1 DIOP's Mother's call to Stuart Gilliam advising of DIOP's illness
2 and follow-up medical treatments in New York, and local contact
3 information whereas Gilliam allegedly and illegally continued to
4 contact Diop in her Marin contact information to feign that he
5 could not reach DIOP ahead of seeking illegal ex-parte orders.

6 DIOP's Mother's call to CHERNUS's secretary advising of DIOP's
7 illness and follow-up medical treatments in New York, wherefore he
8 asserted that the case will not move forward without the parties
9 being present

10 **CONSPIRACY AND FRAUD ON THE COURT TO ISSUE ILLEGAL ORDERS
11 CALUCULATED OVEREXTENT THE COUT'S ILLEGAL JURISDICTION THROUGH
12 IMPEDIMENTS OF DIOP'S HUMAN RIGHTS AND FREEDOM**

13 106. Defendant Verna Adams, MARIN COUNTY SUPERIOR COURT JUDGE and
14 INDIVIDUALLY, hereinafter(ADAMS) is cited for her violation of
15 DIOP's due process rights hosting illegal ex-parte hearing for OWENS
16 related in DIOP and KAUFFMAN's statements of disqualifications.

17 107. ADAMS was privy to OWENS's false police report that DIOP came
18 at him with a knife as she presided at trial when DIOP's
19 attorney, Barbara Kauffman obtained OWENS's judicial admission
20 that he lied about DIOP threatening to kill him with a kitchen
21 knife (EXHIBIT 23: trial transcripts showing OWENS's judicial
22 admissions of perjury false police report of domestic violence
23 to MVPD, and ensuing perjury in seeking a false DVTRO from
24 DURYEE based in his false police report.

25 108. In excusing these perjuries, ADAMS facilitated OWENS's further
26 perjury leading to DIOP's false arrest. ADAMS failed to grant
27 DIOP's previous requests for restraining order (DVTRO) and
28 dissolved another one that Commissioner Randolph Heubach issues
29 based on his eye witnessing OWENS's aggressive try in court
(EXHIBIT --).

30 **MALICIOUS PROSECUTION AND ABUSE OF PROCESS**

31 109. ADAMS's disingenuous trial order was an illegal extrajudicial
32 scheme calculated to overextend DURYEE's illegally conferred
33 jurisdiction through a false DVTRO for OWENS, her husband's
34 lawfirm's client.

35 110. ADAMS failed to abide by disqualification rules when she
36 ordered DIOP, a pro per litigant, to report to WOOD's courtroom
37 where, through legal treachery that DIOP was unaware of. ADAMS

1 designated WOOD to maintained a stranglehold in DIOP's custody
 2 case to carry out the legal torch (or more appropriately
 3 treachery). ADAMS was supposed to alert the presidning judge
 4 upon receiving DIOP's statement of disqualification. Instead she
 had illegal ex-parte communication with WOOD and attempted to
 misrepresent that she did not. Wood carried out favoritism and
 bias against DIOP.

5 **ADMINISTRATIVE MALFEASANCE THROUGH THE LEGITIMIXATION OF DR. WU'S**
 6 **FRIVOLOUS CHANGE OF RECOMMENDATIONS DESPITE TRIAL EVIDENCES**
 7 **DISPORVING WU'S TWO CONTENTIONS FOR DRASTICALLY ALTERING HER**
REPORTS

8 111. ADAMS was aware of the recommending mediator, Dr. Gloria Wu's
 9 mishandling of DIOP's case in her capacity as a recommending
 10 mediator for the court. ADAMS was privy to Dr. Wu's errors in
 11 her sudden change of recommendation to favor OWENS when he hired
 12 the chair person of the Marin County Bar Association, Family Law
 13 Division as his lawyer. ADAMS heard Wu's testimony of
 14 malfeasance first hand as she forced DIOP to represent herself
 in the first 4 days of a multiple-day trial because she only
 awarded an insufficient \$5,000 retainer that attorneys rejected.
 Hence, DIOP had to examine Dr. WU at trial, which continues to
 cause WU's retaliations against DIOP.

15 112. KAUFFMAN, Esq. stepped in emergency to assist DIOP through this
 16 legal ordeal thereby facing ADAMS's quintessential personal rift
 17 against her. Hence, ADAMS remained mostly numb to the
 18 substantial evidence disproving WU's recommendation regarding
 19 the two points that she used to drastically modify her second
 20 favorable full custody recommendation for DIOP. Among the
 21 relevant trial exhibits, Adams witnessed OWENS violating a
 22 custodial order trifold against OWENS having Rahman that day,
 any overnight visit with Rahman, or taking him on the boat
 23 (**EXHIBIT---**). Sausalito Police report upon fetching the child
 from OWENS's boat and establishing that OWENS had not been
 maintaining a land-based housing. OWENS trial testimony that he
 had a sick Rahman hanging around and taking naps in his car
 seat; testimony from the landlord that rented a room to Owens
 that he did not use.

25 113. Also defeating WU's flip-flopping recommendation was the fact
 26 that through Martin Blinder expert testimony and Attorney
 27 KAUFFMAN's investigation that OWENS was not properly filing out
 his prescriptions and therefore non-complaint with his medical
 regimen, ADAMS concluded through a ludicrous and paradoxical

rule: OWENS was not fit to have a single overnight but to maintain a stranglehold against DIOP, ADAMS also made a caveat that if DIOP moved away then OWENS would be suddenly fit to have full custody.

TAMPERING WITH EVIDENCE TO YIELD DESIRED PREJUDICIAL RULINGS

114. ADAMS manipulated rule of evidences depending on the result she sought as Barbara Kauffman showed in connection with the expert evidences she excluded in Yupa Asuwassuksant's case while taking in police reports in DIOP's case merely because the Mediator had reviewed those (**EXHIBIT---**). ADAMS ruled that OWENS's bipolar disorder was not under check as he wanted to court to believe. Added to the Sausalito Police report, ADAMS witnessed that both WU's contentions for suddenly changing her recommendation that DIOP gets full custody to a shared custody were sham. Yet, ADAMS ruled incongruously that the child could not spend a single overnight with OWENS who is mentally ill, however she showed that she only aimed to keep DIOP illegally in MARIN in ruling that OWENS would have full custody is she moved.

DR. GLORIA WU, FAMILY COURT SERVICES MEDIATOR AND INDIVIDUALLY NEGLECTFULLY ISSUED THREE CUSTODY RECOMMENDATIONS IN A SHORT SPAN IN VIOLATION OF HER DUTY OF CARE, PROFESSIONAL ETHICS, THROUGH FRAUD AND CONFLICT OF INTEREST WITH BAR ASSOCIATION CHAIR BETH JORDAN DOUBLING AS OWENS'S TRIAL ATTORNEY

115. Additionally, as OWENS requested full child custody in pleadings referencing to the present federal complaint including co-Defendants WOOD and recommending mediator WU, retaliations have already taken place and are likely to continue thereby needing this court's equitable injunction to change venue as various other officers are cited in this complaint.

NEGIGENT AND DELIBERATE FAILURE TO CONDUCT INVESTIGATION BEFORE ISSUING CUSTODY RECOMMENDATIONS

116. WU, a recommending mediation at the Marin County Superior Court committed multiple detrimental administrative malfeasance that DIOP unveiled when she examined her, as a Pro Per, at a child custody trial. WU excluded DIOP from her initial erroneous custody recommendation while DIOP became homeless upon OWENS illegally evicting her and her son from the family residence through a false claim of domestic violence against him when DIOP called 911. WU then corrected her recommendation upon interviewing DIOP to recommend that she regains full custody.

Emergency request for Disqualification of Defendant Beverly Wood from FL064080; Stay of All Actions pending change of venue outside of Marin County upon filing of third Amended Complaint including other Defendants - CV 12-06332 JSW

1 **WU'S NEGLIGENT ALTERATION OF SOLE CUSTODY RECOMMENDATION TO DIOP**
2 **UPON HER COMPLICITY IN CONFLICT OF INTEREST WITH OWENS'S LAWYER**
3 **DOUBLING AS MARIN COUNTY BAR ASSOCIATION FAMILY LAW DIVISION CHAIR**

4 117. As OWENS continued to use WU's disparaging first
5 recommendation, DIOP examined WU at trial and obtained her
6 confessions of improperly investigating the case before her
7 first recommendation. This was recipe for further retaliations
8 against WU as DIOP's complaints to her manager and the court
9 were ignored or improperly disposed of so that WU can simply say
10 that the matter had been adjudicated.

11 WU's deliberate sudden changed her favorable corrected
12 recommendation that DIOP regains full custody to rest abolish joint
13 custody was frivolous and merely due to OWENS's new attorney, Beth
14 Jordan. At trial Wu asserted that she changed her recommendation a
15 third time because father had addressed two major concerns: treating
16 his bipolar disorder and finding land-based housed.

17 118. Both of these claims were disproved at trial when OWENS
18 violated the court order to not take Rahman on board his boat.
19 The Sausalito police fetched the child from Owens's boat in the
20 midst of the trial and discovered that OWENS who rented a room
21 actually spent his time on the boat with the child when he is
22 not letting him have naps at the back seat of his car (EXHIBIT
23 27). As for OWENS's bipolar disorder for over 25 years, ADAMS
24 concluded that OWENS was not managing it when DIOP's attorney
25 established those evidences where WU had prejudged OWENS's
26 mental stability.

27 **CONSPIRACY BETWEEN ADAMS, WU, JORDAN TO ISSUE PREJUDICIAL ORDERS TO**
28 **PERPETUATE THE COURT'S LACK OF JURISDICTION AND ILLEGALLY SUBJECT**
29 **DIOP TO UNNECESSARY PROCESSES**

30 119. Notwithstanding Wu's illegall alteration of her recomendation
31 without valid reasons in conflict of interest with JORDAN, ADAMS
32 maliciously forced DIOP to remain in California, thereby
33 building on the initial illegal restraining order that OWENS
34 obtained from DURYEE to both throw DIOP and her son into
35 homelessness and prevent them for relocating.

36 **RETALIATIONS**

37 120. Dr. Wu's retaliatory practices consisting of maintaining the
38 status quo against DIOP are far-reaching. In connection with

1 DIOP's false arrest, Dr. Wu failed to refer to OWENS's known
2 perjury who showed to her fabricated picture allegedly about the
3 incident he falsely reported to police that DIOP threatened to
4 kill him with a kitchen knife.

5 121. Dr. Wu however only recommended to maintain the status quo of
6 Rahman being in the temporary custody of OWENS, pending the
7 criminal proceedings. As such, Dr. WU was essentially hoping for
8 the Damocles sword to fall on DIOP as WOOD staged DIOP's
9 possible incarceration in erecting all the red flags against
10 DIOP: 3 years restraining order without any hearing in
11 opposition and ankle bracelet.

12 **OWENS SOLICITS WU'S RETALIATION UPON RECEIVING THE FEDERAL
13 COMPLAINT**

14 122. It is noteworthy that Richard Owens previously solicited
15 Family Court Services' involvement through illegal ex-parte
16 communication. Ms. Kauffman inquired about the irregularities
17 surrounding the mediation referral and questioned the
18 impropriety of the mediation where DIOP has complained about Dr.
19 Wu and subsequently listed her amongst the Defendants in the
20 present Federal Complaint (**EXHIBIT---**).
21

22 **BETH JORDAN, ESQ., FORMER MARIN COUNTY BAR ASSOCIATION CHAIR OF THE
23 FAMILY LAW DIVISION DOUBLING AS OWENS'S CHILD CUSTODY ATTORNEY**

24 123. JORDAN uses her clout as the Chair person of the Marin County
25 Bar Association's Family Law Division to obtain a hasty change
26 of recommendation for OWENS whom she represented at trial
27 against DIOP, whom ADAMS forced to be in Pro Per for the first 4
28 days of trial. KAUFFMAN related a conflict of interest between
JORDAN and WU that suggests favoritism and subordination of
child welfare to personal conflicts of interests.

29 **RANDOLPH HEUBACH ILLEGALLY CARRIED WOOD'S MISSION THROUGH ILLEGAL
30 RELIANCE ON HER DEFAMATORY ORDERS AND EX-PARTE CONSULTATION WITH
31 WOOD FAILING TO ASSUME HIS JUDICIAL ROLE RATHER THAN MIRRORING
32 WOOD'S PREJUDICIAL ORDERS**

33 124. HEUBACH is responsible for carrying out WOOD's plans for
34 character assassination against DIOP. After he inherited the
35 child custody case from WOOD, he implemented her attempt to
36 depict DIOP a parent alienator. Wood had prejudged all abuse

1 cases against OWENS as unfounded upon obstructing justice at
2 various junctures to sabotage the examination of child
protective services at a DVTRO trial.

3 125. HEUBACH was fully aware of OWENS's wrath at the hearing such
4 that he failed to apply any precautionary measure for DIOP to be
5 present at the hearing just 5 days after his adverse custodial
6 order when OWENS seeks temporary full custody after he had DIOP
7 arrested. Instead, HEUBACH misrepresented that he tried to get
8 DIOP at the hearing to no avail, which was not the truth and
9 violated DIOP's right to notice and opportunity to be heard
10 instead of changing custody to OWENS on an ex-parte basis.

11 OBSTRUCTION OF JUSTICE THROUGH FAILURE TO ADHERE TO FAMILY CODE
12 SECTIONS 2030 AND 2032 TO PROVIDE ATTORNEY FEES AND THROUGH
13 MISTREPRESENTATIONS THAT OWENS COULD NOT AFFORD MINOR COUNSEL'S FEE
14 USURPATING COUNTY MONEY TO COVER FOR OWENS'S LEGAL COSTS

15 126. HEUBACH previously misrepresented that OWENS could not afford
16 any payment towards the minor counsel and made the County Pick
17 up the tab although he knew that OWENS WAS A Multimillionaire
18 and the County was having furlough days to address its financial
19 deficit.

20 127. HEUBACH, who had inherited the case from WOOD also refused to
21 grant any legal fees to DIOP who remained in Pro Per, through
22 prejudicial custody proceedings in which he transferred custody
23 to OWENS. All the while, HEUBACH ordered that that the Marin
24 County Courts pick up the tab for the Child Attorney that he
25 appointed. HEUBACH, falsely asserted that OWENS, whom he knows
is wealthy through former child support proceedings that he
presided over, could not afford to pay any of the Child's
Attorney fees at a time when the Courts implemented furlough
days to cut corners as a result of a supported budget deficit.

26 128. Prior to this, Judge ADAMS also denied DIOP's access to a
27 lawyer as she only ordered a basic \$5,000 for a multiple-day
lawyer as she only ordered a basic \$5,000 for a multiple-day
custody trial while most attorneys do not take less than \$10,000
retainer merely for regular law and motions proceedings. As
such, DIOP had to represent herself during the first 4 days of a
custody trial, while OWENS paid hefty fees to Beth Jordan, Esq.
his well-connected attorney and then chair of the Marin County
Bar Association, Family Law Division. OWENS also retained a
well-known Expert, Dr. Margaret Lee. DIOP had to examine her as
well as Dr. WU, the recommending mediator, which reflect a very

1 imbalanced playing field when DIOP is not an attorney and even
2 if she was, she would have nonetheless needed an attorney.

3 **RANDOLPH HEUBACH PERJURY AND MISREPRESENTATION OF FACTS AND**
4 **DEPRIVATION OF DIOP'S CONSTITUTIONAL DUE PROCESS TO NOTICE AND**
5 **OPPORTUNITY TO BE HEARD**

6 129. After multiple illegal acts against DIOP, HEUBACH issued an
7 order giving DIOP primary custody of Rahman Owens when OWENS
8 attempted to alienate DIOP from raising Rahman Owens. However,
9 Four days after HEUBACH gave temporary full custody to OWENS who
10 appeared ex-parte to misrepresent that DIOP committed domestic
violence against him and was arrested. OWENS's notice clearly
indicates that he is aware that DIOP Was arrested and therefore
was not calculated to give her proper notice before securing the
drastic order transferring custody.

11 130. While the Marin County Rules of Court requires a party seeking
12 ex parte relief to give 24 hours notice before 10 am the previous
13 day, OWENS gave the following notice to DIOP at 9PM: "I will be
14 in court tomorrow morning seeking full custody of Rahman. If you
15 are out of jail by then, you need to appear" (**EXHIBIT--**). Two
16 days later, DIOP attempted to vacate the illegal order violating
her constitutional due process as she was deprived of adequate
notice and opportunity to be heard in opposition before the
deprivation of her rights.

17 **FRAUD ON THE COURT THROUGH HEUBACH'S MISREPRESENTATION OF FACTS**

18 131. HEUBACH misrepresented:

19 "Rama, in fact I inquired as to whether you could be made
20 available on that day [...] That wasn't possible and it
21 wouldn't have been possible for him to have given you timely
22 notice of that ex parte given the circumstances that brought him
in on Tuesday transpired in the afternoon, Monday afternoon"
23 (**EXHIBIT**). HEUBACH's misrepresentation was laid bare upon DIOP
24 securing the transcript of OWENS's ex parte proceeding for
temporary change of custody.

25 132. HEUBACH knew that DIOP would be available in the afternoon for
26 arraignment proceedings and that prior to this, the Bailiff
offered to produce Diop later in the day as follows: "" (**EXHIBIT**
27 65). In reality, there was no emergency since the police had
placed Rahman with OWENS upon falsely arresting DIOP, that OWENS
was privy to the fact that he needn't rush in for. Change of

1 custody, which he illegally effected by fraudulently placing
 2 DIOP under custody, and that HEUBACH was fully aware of OWENS's
 3 voiced displeasure with his order increasing DIOP's custodial
 4 time four days prior to OWENS's claim that DIOP perpetrated
 5 crime against him to twist HEUBACH's hand and obtain a
 6 diametrically opposed order, the one he unsuccessfully demanded
 7 despite his custodial unfitness.

8

9 **ARBITRARY EXERCISE OF GOVERNMENT POWERS AND SELECTIVE APPLICATION**
10 OF RULES AND PROCEDURES TO INCRIMINATE DIOP WHILE EXONERATING OWENS

11

123. DIOP's false arrest illustrates the discriminatory practice
 13 and racial profiling against her person. When the minor Child
 14 complained of abuses from OWENS the MCHHS failed to prosecute
 15 Defendant and did not list him in the child abuse central index.
 16 When OWENS perpetrated domestic violence against the DIOP,
 17 Defendant was not referred for severe neglect.

124. However, when OWENS complaints of domestic violence from DIOP,
 13 the MCDA promptly criminally prosecuted DIOP and the MCHHS
 14 steadfastly socially blacklisted. MCDA typically rejected all
 15 referrals whether to protect the minor child against OWENS's
 16 crimes, or to prosecute OWENS, when he battered DIOP, violated
 17 standing DVTRO, or trespassed and burglarized her home after an
 18 adverse court appearance. Over the years, DIOP endured various
 19 crimes from Owens that she documented, whereas OWENS was given
 20 benefit of doubt and left to further abuse DIOP and the minor
 21 child. MCDA failed to prosecute OWENS for the charges that MVPD
 22 Officer Kollerer classified as 242'PC - Battery upon the child,
 23 Rahman Owens, or battery upon cohabitation against DIOP.
 24 However, as soon as OWENS accuses DIOP of Battery after she
 25 called 911 for her protection, the District Attorney unleashed
 26 multiple criminal prosecutions against DIOP after her release
 27 from the Marin County Jail causing her continuous extreme
 28 distress and mounting social prosecutions through the MCHHS
 blacklisting for severe child neglect after the DISTRICT
 ATTORNEY's dismissal of the underlying criminal case.

135. OWENS parodied his unsanctioned false report that DIOP
 threatened to kill him with a kitchen knife when he
 misrepresented the second time that DIOP CALLED 911 against his
 abuse and assaults that DIOP perpetrated domestic violence
 against him. In her Civil complaint against OWENS lodged at the
 MARIN COUNTY SUPERIOR COURT, DIOP forewarned that OWENS's
 unsanctioned crimes could have deprived her of her freedom where

1 it destabilized her into homelessness. DIOP complained against
2 OWENS's open violation of the CA PC 148.5 predicates to MVPD and
3 received confirmation tha tthe complaint was routed to the DA
4 (EXHIBIT --). DIOP's compilation of multiple counts with
5 supporting inculpatory evidences concerning OWENS's false police
6 report to the Mill Valley Police, to Judge Lynn Duryee, to
7 Recommending Mediator Dr. Gloria Wu fall on deaf ears (EXHIBIT --). The District Attorney failed to take any notice. KAUFFMAN
8 presented within a declaration Re: Safety of Rahman Owens, these
9 crimes to the District Attorney's Officer CHARLES (CHUCK)
10 CACCIARORE. OWENS's abusive acts including his perjury about the
11 kitchen knife violating the CA PC 148.5 predicates. Transcripts
12 of OWENS's judicial admissions excerpted in EXHIBIT are attached
13 hereto (EXHIBIT 89).
14

15 **TAMPERING OF EVIDENCES AND CONCEALMENTS OF COURT RECORDS IN
16 OBSTRUCTION OF JUSTICE**

17 136. COUNT 1: FAMILY COURTS SERVICES and MARIN COUNTY SUPERIOR
18 COURTS admittedly purged some of DIOP's family law case to
19 obstruct the ordered audit of the Court file. This breaks the
fact-finding process against mediation irregularities especially
give not that DIOP's case remained active. DIOP took an active
role in testimonials in Sacramento leading to the State ordered
audits of the Marin County Superior Court. Few months ago, the
record Management informed DIOP that they plan to discard some
additional files, even though DIOP's case is active. DIOP's
request to take the files remained unanswered and when she
physically requested those from the record management, she was
advised that the purging had already taken place, feigning that
DIOP's email did not make it to them.

20 **6. DEMAND FOR RELIEF**

21 **WHEREFORE DIOPS pray for judgment as follows:**

22 **EQUITABLE RELIEFS**

23 DIOP prays for Injunctive and Declaratory or other Equitable Reliefs
24 as may be appropriate, including but not limited to:

25 (a) attorney fees and expenses as authorized by 42 U.S.C. §1988.
26 (b) Exoneration from all illegal, Capricious, and Defamatory
27 blacklisting in the Child Abuse Central Index.
(c) Removal from the Child Abuse Central Index Listing
(d) Seal and Destroy all records related to the blacklisting in the
Child Abuse Central Index including but not limited to the
Department of Justice, Marin County Jail, Marin County Sheriff

28 Emergency request for Disqualification of Defendant Beverly Wood from FL064080;
Stay of All Actions pending change of venue outside of Marin County upon filing
of third Amended Complaint including other Defendants - CV 12-06332 JSW

1 Department, Law Enforcement Telecommunication System, Mill Valley
2 Police Reports, Marin County District Attorney, the Marin County
3 Superior Court, The Marin County Health and Human Services, or any
known place.

4 (e) Seal and Destroy all records of arrest from Department of
5 Justice, Marin County Jail, Marin County Sheriff Department, Law
6 Enforcement Telecommunication System, Mill Valley Police Reports,
7 Marin County District Attorney, the Marin County Superior Court,
8 The Marin County Health and Human Services, or any known place.

9 **PUNITIVE DAMAGES**

10 The request is based on various abuses and harassments including but
11 not limited to Fraud, Malice, Oppression, Abuse of Process,
12 Malicious prosecution, Defamation, Intentional infliction of
13 emotional distress, Conspiracy to deprive of civil rights, human
14 rights, rights to peaceful occupancy, freedom from oppression,
15 retaliations, defamations, wrongful interference with parental
16 rights to illegally extent fraudulent jurisdiction through false
17 DVTRO, Conflicts of interest, violations of constitutional and
18 statutory due process.

19 DIOP seeks punitive damages for the various wrongs that she endured
20 from all Defendants individually and through their respective
21 employers. DIOP requests this relief also as a result of their
22 combined efforts to conspire against DIOP, their intentional
23 infliction of emotional distress, malice, oppression, and fraud.

- 24 1. An award of compensatory damages and interest thereon according
25 to proof at trial;
- 26 2. An award of reasonable costs and expenses incurred in this
27 action, including counsel fees and expert fees as allowable under
the Title 18, 28, and 42 sections asserted;
- 28 3. Declaratory, Injunctive, and Prospective Relief as requested
including injunctive remedies provided under 42 U.S.C. §§ 1983,
1988, and 18 U.S.C. §§ 1964 (a), (c), and (d);
1. That The Court exercised its initiative to Order DEFENDANTS be
2. restrained as requested in Prospective Relief Count 1 forthwith,
3. and set hearing for extending such Order during the pendency of
4. this litigation;
5. That a preliminary and permanent injunction be issued enjoining
Defendants, and any employees, agents, servants, officers,
representatives, directors, attorneys,
successors, affiliates, assigns, and entities owned or controlled
by Defendants, and all those in active concert or participation
with Defendants, and each of them who receives notice directly or
otherwise of such injunction from making any further

Emergency request for Disqualification of Defendant Beverly Wood from FL064080;
Stay of All Actions pending change of venue outside of Marin County upon filing
of third Amended Complaint including other Defendants - CV 12-06332 JSW

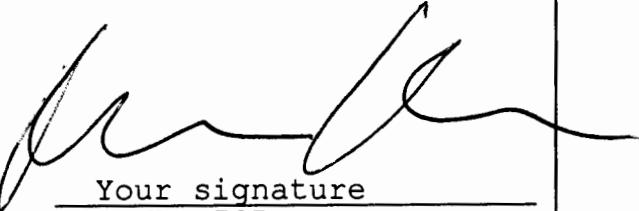
1 misrepresentations as described above; and
2 6. Such other and further relief as the Court may deem just and
proper.

3 **7. DEMAND FOR JURY TRIAL**

4 DIOP hereby demands a jury trial on all issues.

5 Respectfully submitted,
6

7 DATED: January 31, 2014
8

9 
10 Your signature

11 RAMA DIOP
12 In Pro Per
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Emergency request for Disqualification of Defendant Beverly Wood from FL064080;
Stay of All Actions pending change of venue outside of Marin County upon filing
of third Amended Complaint including other Defendants - CV 12-06332 JSW

Do you need help representing yourself in a federal court case?



VOLUNTEER LEGAL SERVICES PROGRAM
of The Bar Association of San Francisco

Legal Help Center

450 Golden Gate Avenue, 15th Floor, Room 2796
San Francisco, CA 94102

If you are representing yourself (or are thinking about filing a case) in the San Francisco or Oakland divisions of the United States District Court for the Northern District of California, you may speak with a lawyer at the Legal Help Center. **There is no fee for this service.** The lawyer can give you:

- information and help you understand the federal court processes and procedures that you need to follow;
- explanations of court orders and other paperwork;
- answers to your legal questions; and
- referrals to appropriate legal, social, and government services.

Not Good
Help is provided by appointment only. To make an appointment please call (415) 782-9000, extension 8657.

If you do not speak English or have difficulty with English, please bring someone to your appointment who can translate for you. We can not provide a translator.

If you seek help from the Center, you will still represent yourself. The lawyer at the Center can not be your lawyer.

To obtain Legal Help Center forms, court forms and other information, please visit the court's web page for people representing themselves in federal court:

<https://ecf.cand.uscourts.gov/cand/ProSe/home.htm>

EXHIBIT 1

Tuesday 1:30 PM

1-28 Do you need help representing
yourself in federal court?

Legal Help Center

450 Golden Gate Avenue, 15th Floor, Room 2796
San Francisco, CA 94102

&

1301 Clay Street, 4th Floor, Room 470 S
Oakland, CA 94612

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Help is provided by appointment only. To make an appointment please call (415) 782-8982 or sign up in the appointment book located outside the Center's San Francisco and Oakland offices.

If you do not speak English or have difficulty with English, please bring someone to translate for you. We cannot provide a translator.

If you seek help from the Center, you will still represent yourself. The lawyer at the Center can not be your lawyer.

EXHIBIT 2